



February 6, 2009

SENATE BILL No. 84

DIGEST OF SB 84 (Updated February 4, 2009 1:49 pm - DI 102)

Citations Affected: Numerous provisions throughout the Indiana code.

Synopsis: Department of workforce development matters. Changes the name of the department of workforce development (department) to the department of workforce development and unemployment insurance. Provides that no action may be taken to resolve a disputed claim for unemployment insurance benefits (claim) until the affected employer: (1) has actual knowledge of the date, time, and place of the hearing or other action; and (2) receives complete information about the rules of evidence and standards of proof that will be used to determine the validity of the claim. Requires the department to adopt rules concerning the conduct of administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process. Requires the department to provide at least annually for individuals who adjudicate claims training on unemployment compensation law, rules for the conduct of hearings and appeals, and rules of conduct during a hearing or other adjudicative process. Provides that an individual who does not strictly adhere to the law and rules is subject to discipline, up to and including suspension and termination.

Effective: July 1, 2009.

Kruse, Mishler, Tallian

January 7, 2009, read first time and referred to Committee on Pensions and Labor.
February 5, 2009, amended, reported favorably — Do Pass.

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February 6, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 84

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.1-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. (a) No individual may be compelled by any
4 state agency, board, commission, department, bureau, or other entity of
5 state government (referred to as "state agency" in this chapter) to
6 provide the individual's Social Security number to the state agency
7 against the individual's will, absent federal requirements to the
8 contrary. However, the provisions of this chapter do not apply to the
9 following:

- 10 (1) Department of state revenue.
11 (2) Department of workforce development **and unemployment**
12 **insurance.**
13 (3) The programs administered by:
14 (A) the division of family resources;
15 (B) the division of mental health and addiction;
16 (C) the division of disability and rehabilitative services;
17 (D) the division of aging; and

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- (E) the office of Medicaid policy and planning;
of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of
broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the
registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders
on contracts.
- (9) Indiana department of transportation, with respect to bidders
on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of
insurance producers.
- (12) The department of child services.
- (13) A pension fund administered by the board of trustees of the
public employees' retirement fund.
- (14) The Indiana state teachers' retirement fund.
- (15) The state police benefit system.
- (16) The alcohol and tobacco commission.
- (17) The state department of health, for purposes of licensing
radiologic technologists under IC 16-41-35-29(c).
- (b) The bureau of motor vehicles may, notwithstanding this chapter,
require the following:
- (1) That an individual include the individual's Social Security
number in an application for an official certificate of title for any
vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security
number on an application for registration.
- (3) That a corporation, limited liability company, firm,
partnership, or other business entity include its federal tax
identification number on an application for registration.
- (c) The Indiana department of administration, the Indiana
department of transportation, and the Indiana professional licensing
agency may require an employer to provide its federal employer
identification number.
- (d) The department of correction may require a committed offender
to provide the offender's Social Security number for purposes of
matching data with the Social Security Administration to determine
benefit eligibility.
- (e) The Indiana gaming commission may, notwithstanding this

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chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 4-3-21-4, AS AMENDED BY P.L.180-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The council consists of the following members:

(1) Each member of the house of representatives whose house district includes all or part of a county that contains any part of a military base.

(2) Each member of the senate whose senate district includes all or part of a county that contains any part of a military base.

(3) The lieutenant governor or the lieutenant governor's designee.

(4) The adjutant general or the adjutant general's designee.

(5) The commissioner of the department of environmental management or the commissioner's designee.

(6) The commissioner of the Indiana department of transportation or the commissioner's designee.

(7) The executive director of the department of homeland security or the executive director's designee.

(8) The commissioner of the department of workforce development **and unemployment insurance** or the commissioner's designee.

(9) The president of the Indiana economic development corporation or the president's designee.

(10) The director of the office of energy and defense development.

(11) The following local government representatives:

(A) One (1) member of the county executive of each county that contains all or part of a military base, appointed by the

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county executive.

(B) One (1) member of the county fiscal body of each county that contains all or part of a military base, appointed by the county fiscal body.

(C) One (1) member:

(i) who is the executive of the municipality having the largest population in each county that contains all or part of a military base if that municipality is a city; or

(ii) who is appointed from the membership of the fiscal body of that town, if a town is the municipality having the largest population in the county.

(D) One (1) member of the legislative body of the municipality having the largest population in each county that contains a military base, appointed by the legislative body of that municipality.

(E) One (1) member of the county executive of each county listed in IC 36-7-30.5-10(4) through IC 36-7-30.5-10(6), appointed by the county executive.

SECTION 3. IC 4-4-10.9-6.1, AS AMENDED BY P.L.1-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.1. "Distressed area" means a county in which:

(1) the average annualized unemployment rate in each of the two

(2) calendar years immediately preceding the current calendar year exceeded the statewide average annualized unemployment rate for each of the same calendar years by at least two percent (2%); or

(2) the average annualized unemployment rate in the immediately preceding calendar year was at least double the statewide average annualized unemployment rate for the same period;

as determined by the department of workforce development **and unemployment insurance.**

SECTION 4. IC 4-4-31.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "department" refers to the department of workforce development **and unemployment insurance.**

SECTION 5. IC 4-4-31.4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

(1) Six (6) Native American Indians, each from a different geographic region of Indiana.

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(2) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues.

(3) The commissioner of the department of correction or the commissioner's designee.

(4) The commissioner of the commission for higher education or the commissioner's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The secretary of the office of family and social services or the secretary's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The state superintendent of public instruction or the superintendent's designee.

(9) The commissioner of the department of workforce development **and unemployment insurance** or the commissioner's designee.

(b) The nonvoting members of the commission consist of the following:

(1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(c) The governor shall appoint each Native American Indian member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American Indian member to the commission, the governor shall solicit nominees from Indiana associations that represent Native American Indians in the geographic region from which the member will be selected. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

SECTION 6. IC 4-13-2-20, AS AMENDED BY P.L.234-2007, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) Except as otherwise provided in this section, IC 12-17-19-19, or IC 12-8-10-7, payment for any services, supplies, materials, or equipment shall not be paid from any fund or state money in advance of receipt of such services, supplies, materials, or equipment by the state.

(b) With the prior approval of the budget agency, payment may be made in advance for any of the following:

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- 1 (1) War surplus property.
- 2 (2) Property purchased or leased from the United States
- 3 government or its agencies.
- 4 (3) Dues and subscriptions.
- 5 (4) License fees.
- 6 (5) Insurance premiums.
- 7 (6) Utility connection charges.
- 8 (7) Federal grant programs where advance funding is not
- 9 prohibited and, except as provided in subsection (i), the
- 10 contracting party posts sufficient security to cover the amount
- 11 advanced.
- 12 (8) Grants of state funds authorized by statute.
- 13 (9) Employee expense vouchers.
- 14 (10) Beneficiary payments to the administrator of a program of
- 15 self-insurance.
- 16 (11) Services, supplies, materials, or equipment to be received
- 17 from an agency or from a body corporate and politic.
- 18 (12) Expenses for the operation of offices that represent the state
- 19 under contracts with the Indiana economic development
- 20 corporation and that are located outside Indiana.
- 21 (13) Services, supplies, materials, or equipment to be used for
- 22 more than one (1) year under a discounted contractual
- 23 arrangement funded through a designated leasing entity.
- 24 (14) Maintenance of equipment and maintenance of software if
- 25 there are appropriate contractual safeguards for refunds as
- 26 determined by the budget agency.
- 27 (15) Exhibits, artifacts, specimens, or other unique items of
- 28 cultural or historical value or interest purchased by the state
- 29 museum.
- 30 (c) Any agency and any state educational institution may make
- 31 advance payments to its employees for duly accountable expenses
- 32 exceeding ten dollars (\$10) incurred through travel approved by:
- 33 (1) the employee's respective agency director, in the case of an
- 34 agency; and
- 35 (2) a duly authorized person, in the case of any state educational
- 36 institution.
- 37 (d) The auditor of state may, with the approval of the budget agency
- 38 and of the commissioner of the Indiana department of administration:
- 39 (1) appoint a special disbursing officer for any agency or group of
- 40 agencies whenever it is necessary or expedient that a special
- 41 record be kept of a particular class of disbursements or when
- 42 disbursements are made from a special fund; and

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(2) approve advances to the special disbursing officer or officers from any available appropriation for the purpose.

(e) The auditor of state shall issue the auditor's warrant to the special disbursing officer to be disbursed by the disbursing officer as provided in this section. Special disbursing officers shall in no event make disbursements or payments for supplies or current operating expenses of any agency or for contractual services or equipment not purchased or contracted for in accordance with this chapter and IC 5-22. No special disbursing officer shall be appointed and no money shall be advanced until procedures covering the operations of special disbursing officers have been adopted by the Indiana department of administration and approved by the budget agency. These procedures must include the following provisions:

(1) Provisions establishing the authorized levels of special disbursing officer accounts and establishing the maximum amount which may be expended on a single purchase from special disbursing officer funds without prior approval.

(2) Provisions requiring that each time a special disbursing officer makes an accounting to the auditor of state of the expenditure of the advanced funds, the auditor of state shall request that the Indiana department of administration review the accounting for compliance with IC 5-22.

(3) A provision that, unless otherwise approved by the commissioner of the Indiana department of administration, the special disbursing officer must be the same individual as the procurements agent under IC 4-13-1.3-5.

(4) A provision that each disbursing officer be trained by the Indiana department of administration in the proper handling of money advanced to the officer under this section.

(f) The commissioner of the Indiana department of administration shall cite in a letter to the special disbursing officer the exact purpose or purposes for which the money advanced may be expended.

(g) A special disbursing officer may issue a check to a person without requiring a certification under IC 5-11-10-1 if the officer:

(1) is authorized to make the disbursement; and

(2) complies with procedures adopted by the state board of accounts to govern the issuance of checks under this subsection.

(h) A special disbursing officer is not personally liable for a check issued under subsection (g) if:

(1) the officer complies with the procedures described in subsection (g); and

(2) funds are appropriated and available to pay the warrant.

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(i) For contracts entered into between the department of workforce development **and unemployment insurance** or the Indiana commission for career and technical education and:

(1) a school corporation (as defined in IC 20-18-2-16); or

(2) a state educational institution;

the contracting parties are not required to post security to cover the amount advanced.

SECTION 7. IC 4-15-2-3.8, AS AMENDED BY P.L.1-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability and rehabilitative services, division of aging, Fort Wayne State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development **and unemployment insurance**, Indiana historical bureau, Indiana state library, division of family resources, department of child services, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy

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services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 8. IC 4-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The state service is divided into the unclassified service and the classified service as follows:

(1) The unclassified part of the state service consists of the following:

(A) All inmate help in all state penal, charitable, correctional, and benevolent institutions.

(B) One (1) confidential secretary for each chief administrative officer in each of the state agencies covered by the definition of state service.

(C) The unemployment insurance review board of the department of workforce development **and unemployment insurance.**

(2) The classified part of the state service includes all civil offices and positions in the state service on May 1, 1941, other than those in the unclassified service.

(b) This section shall not be construed to include in the state service any person or persons who are excluded from the definition of state service.

SECTION 9. IC 4-21.5-2-4, AS AMENDED BY P.L.219-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) This article does not apply to any of the following agencies:

(1) The governor.

(2) The state board of accounts.

(3) The state educational institutions.

(4) The department of workforce development **and unemployment insurance.**

(5) The unemployment insurance review board of the department of workforce development **and unemployment insurance.**

(6) The worker's compensation board of Indiana.

(7) The military officers or boards.

(8) The Indiana utility regulatory commission.

(9) The department of state revenue (excluding an agency action related to the licensure of private employment agencies).

(10) The department of local government finance.

(11) The Indiana board of tax review.

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

SECTION 10. IC 4-21.5-2-5, AS AMENDED BY P.L.1-2007,

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SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. This article does not apply to the following agency actions:

(1) The issuance of a warrant or jeopardy warrant for the collection of taxes.

(2) A determination of probable cause or no probable cause by the civil rights commission.

(3) A determination in a factfinding conference of the civil rights commission.

(4) A personnel action, except review of a personnel action by the state employees appeals commission under IC 4-15-2 or a personnel action that is not covered by IC 4-15-2 but may be taken only for cause.

(5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

(6) An agency action related to an offender within the jurisdiction of the department of correction.

(7) A decision of the Indiana economic development corporation, the office of tourism development, the department of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development **and unemployment insurance** under IC 22-4-18-1(g)(1) or IC 22-4-41.

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(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

SECTION 11. IC 4-23-20-3, AS AMENDED BY P.L.234-2007, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The committee consists of at least six (6) members appointed by the governor and must include representatives of the following:

(1) The Indiana economic development corporation.

(2) The department of workforce development **and unemployment insurance.**

(3) The division of disability and rehabilitative services.

(4) The commission for career and technical education of the department of workforce development **and unemployment insurance.**

(5) The state workforce innovation council.

(6) The department of education.

SECTION 12. IC 4-23-25-9, AS AMENDED BY P.L.104-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. The department of workforce development **and unemployment insurance** established by IC 22-4.1-2 shall provide staff and administrative support to the commission.

SECTION 13. IC 4-23-28-4, AS AMENDED BY P.L.1-2006, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The commission consists of twenty (20) members appointed as follows:

(1) Two (2) members of the senate who may not be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

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(2) Two (2) members of the house of representatives who may not be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) Four (4) members of the Hispanic/Latino community who are not members of the general assembly, to be appointed by the president pro tempore of the senate.

(4) Four (4) members of the Hispanic/Latino community who are not members of the general assembly, to be appointed by the speaker of the house of representatives.

(5) The secretary of family and social services or a designee of the secretary who is a Hispanic or Latino employee of the office of the secretary of family and social services.

(6) The commissioner of the state department of health or a designee of the commissioner who is a Hispanic or Latino employee of the state department of health.

(7) The state superintendent of public instruction or a designee of the superintendent who is a Hispanic or Latino employee of the department of education.

(8) The commissioner of the department of correction or a designee of the commissioner who is a Hispanic or Latino employee of the department of correction.

(9) The director of the civil rights commission or a designee of the director who is a Hispanic or Latino employee of the civil rights commission.

(10) The lieutenant governor or a designee of the lieutenant governor who is a Hispanic or Latino employee of the lieutenant governor.

(11) A Hispanic or Latino business person, appointed by the governor.

(12) The commissioner of **the department of workforce development and unemployment insurance** or a designee of the commissioner who is a Hispanic or Latino employee of the department of workforce development **and unemployment insurance**, who shall serve as an ex officio member of the commission.

In making their appointments under this section, the president pro tempore of the senate and the speaker of the house of representatives shall attempt to have the greatest possible number of counties represented on the commission.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the commission.

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1 (c) A member of the commission may be removed at any time by the
2 appointing authority who appointed the member.

3 (d) If a vacancy on the commission occurs, the appointing authority
4 who appointed the former member whose position has become vacant
5 shall appoint an individual to fill the vacancy.

6 SECTION 14. IC 4-23-28-7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The department
8 of workforce development **and unemployment insurance** shall
9 provide staff and administrative support to the commission.

10 (b) The expenses of the commission shall be paid from
11 appropriations made to the department of workforce development **and**
12 **unemployment insurance**.

13 SECTION 15. IC 4-23-28-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) Funding for the
15 commission shall be derived from funds appropriated to the department
16 of workforce development **and unemployment insurance**.

17 (b) If money is appropriated under subsection (a), the money does
18 not revert to the state general fund at the end of a state fiscal year but
19 remains available to the department of workforce development **and**
20 **unemployment insurance** until the purpose for which it was
21 appropriated is fulfilled.

22 SECTION 16. IC 5-10-8-7, AS AMENDED BY P.L.2-2007,
23 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2009]: Sec. 7. (a) The state, excluding state educational
25 institutions, may not purchase or maintain a policy of group insurance,
26 except:

- 27 (1) life insurance for the state's employees;
- 28 (2) long term care insurance under a long term care insurance
- 29 policy (as defined in IC 27-8-12-5), for the state's employees;
- 30 (3) an accident and sickness insurance policy (as defined in
- 31 IC 27-8-5.6-1) that covers individuals to whom coverage is
- 32 provided by a local unit under section 6.6 of this chapter; or
- 33 (4) an insurance policy that provides coverage that supplements
- 34 coverage provided under a United States military health care plan.

35 (b) With the consent of the governor, the state personnel department
36 may establish self-insurance programs to provide group insurance other
37 than life or long term care insurance for state employees and retired
38 state employees. The state personnel department may contract with a
39 private agency, business firm, limited liability company, or corporation
40 for administrative services. A commission may not be paid for the
41 placement of the contract. The department may require, as part of a
42 contract for administrative services, that the provider of the

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1 administrative services offer to an employee terminating state
2 employment the option to purchase, without evidence of insurability,
3 an individual policy of insurance.

4 (c) Notwithstanding subsection (a), with the consent of the
5 governor, the state personnel department may contract for health
6 services for state employees and individuals to whom coverage is
7 provided by a local unit under section 6.6 of this chapter through one
8 (1) or more prepaid health care delivery plans.

9 (d) The state personnel department shall adopt rules under IC 4-22-2
10 to establish long term and short term disability plans for state
11 employees (except employees who hold elected offices (as defined by
12 IC 3-5-2-17)). The plans adopted under this subsection may include
13 any provisions the department considers necessary and proper and
14 must:

15 (1) require participation in the plan by employees with six (6)
16 months of continuous, full-time service;

17 (2) require an employee to make a contribution to the plan in the
18 form of a payroll deduction;

19 (3) require that an employee's benefits under the short term
20 disability plan be subject to a thirty (30) day elimination period
21 and that benefits under the long term plan be subject to a six (6)
22 month elimination period;

23 (4) prohibit the termination of an employee who is eligible for
24 benefits under the plan;

25 (5) provide, after a seven (7) day elimination period, eighty
26 percent (80%) of base biweekly wages for an employee disabled
27 by injuries resulting from tortious acts, as distinguished from
28 passive negligence, that occur within the employee's scope of
29 state employment;

30 (6) provide that an employee's benefits under the plan may be
31 reduced, dollar for dollar, if the employee derives income from:

32 (A) Social Security;

33 (B) the public employees' retirement fund;

34 (C) the Indiana state teachers' retirement fund;

35 (D) pension disability;

36 (E) worker's compensation;

37 (F) benefits provided from another employer's group plan; or

38 (G) remuneration for employment entered into after the
39 disability was incurred.

40 (The department of state revenue and the department of workforce
41 development **and unemployment insurance** shall cooperate with
42 the state personnel department to confirm that an employee has

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disclosed complete and accurate information necessary to administer subdivision (6).)

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

(A) accept work assignments appropriate to the employee's medical condition;

(B) submit information necessary for claim administration; or

(C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

SECTION 17. IC 5-16-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The definitions in this section apply throughout this chapter:

(1) "Common construction wage" means a scale of wages for each class of work described in section 1(c)(1) of this chapter that is not less than the common construction wage of all construction wages being paid in the county where a project is located, as determined by the committee described in section 1(b) of this chapter after having considered:

(A) reports from the department of workforce development **and unemployment insurance**; and

(B) any other information submitted by any person to the committee established under section 1(b) of this chapter.

(2) "State of Indiana" includes any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of the state, excepting as otherwise provided in this chapter.

(3) "Municipal corporation" includes any county, city, town, or school corporation, as well as any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of any such municipal corporation. The term also includes a redevelopment commission

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established under IC 36-7-14-3.

(4) "Public work" includes any public building, highway, street, alley, bridge, sewer, drain, improvement, or any other work of any nature or character whatsoever which is paid for out of public funds, excepting as otherwise provided in this chapter.

SECTION 18. IC 5-28-27-3, AS AMENDED BY P.L.2-2007, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The skills 2016 training fund is established to do the following:

(1) Administer the costs of the skills 2016 training program established under IC 22-4-10.5.

(2) Undertake any program or activity that furthers the purposes of IC 22-4-10.5.

(3) Refund skills 2016 training assessments erroneously collected and deposited in the fund.

(b) The money in the fund shall be allocated as follows:

(1) An amount to be determined annually shall be set aside for the payment of refunds from the fund.

(2) The remainder of the money in the fund shall be allocated to employers or consortiums for incumbent worker training grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.

(c) Special consideration shall be given to Ivy Tech Community College to be the provider of the training funded under this chapter whenever the state educational institution:

(1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and

(2) is the most cost effective provider.

(d) For the incumbent worker training grants described in subsection (b), the department of workforce development **and unemployment insurance** shall do the following:

(1) Provide grant applications to interested employers and consortiums.

(2) Accept completed applications for the grants.

(3) Obtain all information necessary or appropriate to determine whether an applicant qualifies for a grant, including information concerning:

(A) the applicant;

(B) the training to be offered;

(C) the training provider; and

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- 1 (D) the workers to be trained.
- 2 (4) Prepare summaries or other reports to assist the secretary of
- 3 commerce in reviewing the grant applications.
- 4 (e) The department of workforce development **and unemployment**
- 5 **insurance** shall forward the grant applications and other information
- 6 collected or received by the department under subsection (d) to the
- 7 secretary of commerce who shall allocate the money in the fund in
- 8 accordance with subsections (b) and (c), after considering the
- 9 information provided by the department of workforce development **and**
- 10 **unemployment insurance**.
- 11 (f) The corporation shall enter into an agreement with the
- 12 department of workforce development **and unemployment insurance**
- 13 for the department of workforce development **and unemployment**
- 14 **insurance** to administer the fund using money appropriated from the
- 15 fund.
- 16 (g) The treasurer of state shall invest the money in the fund not
- 17 currently needed to meet the obligations of the fund in the same
- 18 manner as other public money may be invested.
- 19 (h) Money in the fund at the end of a state fiscal year does not revert
- 20 to the state general fund.
- 21 (i) The fund consists of the following:
- 22 (1) Assessments deposited in the fund.
- 23 (2) Earnings acquired through the use of money belonging to the
- 24 fund.
- 25 (3) Money deposited in the fund from any other source.
- 26 (4) Interest and penalties collected.
- 27 (j) Any balance in the fund does not lapse but is available
- 28 continuously to the corporation for expenditures for the program
- 29 established under IC 22-4-10.5 consistent with this chapter, after
- 30 considering any information concerning an expenditure provided by the
- 31 department of workforce development **and unemployment insurance**.
- 32 SECTION 19. IC 11-10-5-1, AS AMENDED BY P.L.1-2005,
- 33 SECTION 121, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2009]: Sec. 1. The department shall, after
- 35 consulting with the state superintendent of public instruction and the
- 36 Indiana commission on vocational and technical education of the
- 37 department of workforce development **and unemployment insurance**,
- 38 implement academic and vocational education curricula and programs
- 39 for confined offenders, by utilizing qualified personnel employed by
- 40 the department or by arranging for instruction to be given by public or
- 41 private educational agencies in Indiana. The department shall include
- 42 special education programs, which shall be governed under IC 20-35-2.

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To provide funding for development and implementation of academic and vocational education curricula and programs, the department may accept gifts and apply for and receive grants from any source.

SECTION 20. IC 11-10-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Any agreement entered into between the commissioner and a private person under this chapter must provide that an offender employed by a private person under this chapter will be paid at least the prevailing wage for that type of work as established by the department of workforce development **and unemployment insurance**, including applicable wage increases for overtime work.

(b) An offender may be employed under this chapter only on a voluntary basis and only after the offender has been informed of the conditions of the offender's employment.

(c) An offender employed under this chapter is not eligible for unemployment compensation benefits under workforce development **and unemployment insurance** laws.

SECTION 21. IC 12-8-14-5, AS AMENDED BY P.L.1-2007, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family resources, the division of disability and rehabilitative services, the division of aging, the division of mental health and addiction, the state department of health, the department of education, the department of workforce development **and unemployment insurance**, and the department of correction, including case management and service coordination.

SECTION 22. IC 12-17.2-3.3-2, AS ADDED BY P.L.126-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The committee on child care is established.

(b) The committee consists of the following voting members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. Members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. Members appointed under this subdivision may not be members of the same political party.

(3) The director of the division of family resources or the director's designee.

(4) The commissioner of the department of workforce development **and unemployment insurance** or the

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commissioner's designee.

(5) The secretary of commerce appointed under IC 5-28-3-4 or the secretary's designee.

(6) The state fire marshal or the state fire marshal's designee.

(7) The state superintendent of public instruction or the superintendent's designee.

(8) The commissioner of the state department of health or the commissioner's designee.

(9) One (1) representative of a private business that employs less than fifty (50) employees, appointed by the president pro tempore of the senate.

(10) One (1) representative of a private business that employs more than one hundred (100) employees, appointed by the speaker of the house of representatives.

(11) One (1) individual who is a child care advocate and who does not operate or administer a child care program (as defined in IC 12-17.2-3.5-1.2), appointed by the president pro tempore of the senate.

(c) The president pro tempore of the senate shall appoint a member described in subsection (b)(2) as chairperson of the committee in even-numbered years.

(d) The speaker of the house of representatives shall appoint a member described in subsection (b)(1) as chairperson of the committee in odd-numbered years.

SECTION 23. IC 12-20-25-19, AS AMENDED BY P.L.73-2005, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) Notwithstanding any other provision of this article, an unemployed individual may not receive township assistance in a controlled township until the individual has registered for work at an office of the department of workforce development **and unemployment insurance** and has provided proof that the individual is registered. This subsection does not apply to an individual who:

(1) is not physically able to perform work;

(2) is less than eighteen (18) years of age or at least sixty-five (65) years of age; or

(3) is needed to care for another individual because of the other individual's age or physical condition.

(b) An unemployed individual who has registered under subsection (a) may not receive township assistance in a controlled township on a continuing basis unless the individual reports to the employment office and provides proof that the individual has reported with the frequency

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and in the manner prescribed by either the management committee or the control board.

(c) Subject to subsection (a), if the management committee or the control board finds that an individual has failed to:

(1) apply for available, suitable work when directed by the commissioner of **the department of workforce development and unemployment insurance**, the commissioner's deputy, or an authorized representative of the state;

(2) accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner of **the department of workforce development and unemployment insurance**, the commissioner's deputy, or an authorized representative of the state; or

(3) return to the individual's customary self-employment when directed by the commissioner of **the department of workforce development and unemployment insurance** or the commissioner's deputy;

the individual may not receive township assistance for six (6) months after the date of the management committee's or control board's finding.

SECTION 24. IC 20-20-10-2, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The technology preparation task force is established to design and approve:

(1) technology preparation curriculum models; and

(2) teacher and staff training to implement the technology preparation models.

(b) The:

(1) state superintendent;

(2) commissioner of **the department of workforce development and unemployment insurance**; and

(3) executive officer of the commission for higher education;

shall each appoint three (3) members to the task force. The members appointed to the task force must include representatives of school corporations and state educational institutions.

SECTION 25. IC 20-20-10-3, AS AMENDED BY P.L.2-2007, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The curriculum models developed by the task force must:

(1) be performance based;

(2) provide a student with:

(A) the skills necessary to gain employment upon graduation from high school; and

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- 1 (B) the subject or skills areas required by a state educational
 2 institution to gain admittance into the respective state
 3 educational institution;
 4 upon the satisfactory fulfillment of the curriculum;
 5 (3) relate to a broad scope of occupational opportunities;
 6 (4) include math, science, and English/language arts courses
 7 taught through practical application and designed to meet
 8 graduation requirements for those subjects;
 9 (5) be designed to include secondary and postsecondary sequence
 10 models; and
 11 (6) allow for dual credit, advanced study, and cooperative
 12 agreements.

13 (b) The task force shall identify certain occupations for secondary
 14 and postsecondary articulation curriculum agreements in cooperation
 15 with the department of workforce development **and unemployment**
 16 **insurance**.

17 SECTION 26. IC 20-20-20-1, AS AMENDED BY P.L.234-2007,
 18 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2009]: Sec. 1. As used in this chapter, "commission" refers to
 20 the Indiana commission for career and technical education of the
 21 department of workforce development **and unemployment insurance**
 22 established by IC 22-4.1-13-6.

23 SECTION 27. IC 20-30-4-2, AS AMENDED BY P.L.140-2008,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2009]: Sec. 2. In consultation with the student's guidance
 26 counselor, after seeking consultation with each student's parents, and
 27 not later than the date on which the student completes grade 9, each
 28 student shall further develop the graduation plan developed in grade 6
 29 under section 1.5 of this chapter to also include the following:

- 30 (1) The subject and skill areas of interest to the student.
 31 (2) A program of study under the college/technology preparation
 32 curriculum adopted by the state board under IC 20-30-10-2 for
 33 grades 10, 11, and 12 that meets the interests and aptitude of the
 34 student.
 35 (3) Assurances that, upon satisfactory fulfillment of the plan, the
 36 student:
 37 (A) is entitled to graduate; and
 38 (B) will have taken at least the minimum variety and number
 39 of courses necessary to gain admittance to a state educational
 40 institution.
 41 (4) An indication of assessments (other than ISTEP and the
 42 graduation examination) that the student plans to take voluntarily

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during grade 10 through grade 12, and which may include any of the following:

- (A) The SAT Reasoning Test.
- (B) The ACT test.
- (C) Advanced placement exams.
- (D) College readiness exams approved by the department.
- (E) Workforce readiness exams approved by the department of workforce development **and unemployment insurance** established under IC 22-4.1-2.

SECTION 28. IC 20-30-5-14, AS ADDED BY P.L.246-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) To:

- (1) educate students on the importance of their future career choices;
- (2) prepare students for the realities inherent in the work environment; and
- (3) instill in students work values that will enable them to succeed in their respective careers;

each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

- (1) integrate within the curriculum instruction that is; or
- (2) conduct activities or special events periodically that are;

designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in complying with this section.

(d) The models described in this subsection must be developed in accordance with the following:

- (1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.
- (2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.
- (3) For grades 9 through 10, career exploration models that offer students insight into future employment options.
- (4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:

- (A) Initial job counseling, including the use of job service officers to provide school based assessment, information, and

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guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development **and unemployment insurance**, shall:

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher education activities; to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development **and unemployment insurance**, design and implement innovative career preparation demonstration projects for students in at least grade 9.

SECTION 29. IC 20-30-6-2, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The department shall, in cooperation with the department of workforce development **and unemployment insurance**, implement the Indiana program of adult competency.

(b) The department may, with approval by the department of workforce development **and unemployment insurance**, do the following:

(1) Use funds available under the Job Training Partnership Act under 29 U.S.C. 1500 et seq.

(2) Use funds available to the department of workforce development **and unemployment insurance** to implement the Indiana program of adult competency.

SECTION 30. IC 20-32-3-12, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The state board shall do the following:

(1) Make the academically related secondary level certificate of achievement assessment instruments available to the department of workforce development **and unemployment insurance** for the department of workforce development's **and unemployment insurance's** use in offering adult learners the opportunity to demonstrate the requisite proficiency in the particular subject and skill areas.

(2) Authorize the department of workforce development **and unemployment insurance** to award the particular certificates of achievement to those individuals who demonstrate the requisite proficiency.

SECTION 31. IC 20-32-3-13, AS AMENDED BY P.L.234-2007,

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SECTION 116, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 13. The state board shall, in
 cooperation with the Indiana commission for career and technical
 education within the department of workforce development **and**
unemployment insurance, adopt rules under IC 4-22-2 to implement
 this chapter, including rules concerning the administration of the
 secondary level certificates of achievement by the department of
 workforce development **and unemployment insurance**.

SECTION 32. IC 20-35-2-1, AS AMENDED BY P.L.234-2007,
 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) There is established under the
 state board a division of special education. The division shall exercise
 all the power and duties set out in this chapter, IC 20-35-3 through
 IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the
 state superintendent, a director of special education who serves at the
 pleasure of the governor. The amount of compensation of the director
 shall be determined by the budget agency with the approval of the
 governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of all programs, classes, and
 schools for children with disabilities, including those
 conducted by public schools, the Indiana School for the Blind
 and Visually Impaired, the Indiana School for the Deaf, the
 department of correction, the state department of health, the
 division of disability and rehabilitative services, and the
 division of mental health and addiction.

(B) Coordinate the work of schools described in clause (A).

For programs for preschool children with disabilities as required
 under IC 20-35-4-9, have general supervision over programs,
 classes, and schools, including those conducted by the schools or
 other state or local service providers as contracted for under
 IC 20-35-4-9. However, general supervision does not include the
 determination of admission standards for the state departments,
 boards, or agencies authorized to provide programs or classes
 under this chapter.

(2) To adopt, with the approval of the state board, rules governing
 the curriculum and instruction, including licensing of personnel
 in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for
 children with disabilities to maintain proper standards of
 personnel, equipment, and supplies.

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(4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the state board, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established by IC 12-12.7-2-7 to ensure that the preschool special education programs required by IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-12.7-2.

(c) The director or the state board may exercise authority over career and technical education programs for children with disabilities through a letter of agreement with the department of workforce development **and unemployment insurance.**

SECTION 33. IC 20-35-7-5, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) As used in this chapter, "adult services" refers to services that are provided by public agencies and other organizations to:

(1) facilitate student movement from the public agency to adult life; and

(2) provide services to enhance adult life.

(b) The term includes services provided by the following:

(1) A vocational rehabilitation services program.

(2) The department of workforce development **and unemployment insurance.**

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- (3) The federal Social Security Administration.
- (4) The bureau of developmental disabilities services.
- (5) A community mental health center.
- (6) A community rehabilitation program.
- (7) An area agency on aging.

SECTION 34. IC 20-35-7-8, AS AMENDED BY P.L.141-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The division of disability and rehabilitative services, the division of mental health and addiction, and the department of workforce development **and unemployment insurance** shall provide each school corporation with written material describing the following:

- (1) The adult services available to students.
- (2) The procedures to be used to access those services.

(b) The material shall be provided in sufficient numbers to allow each student and, if the student's parent is involved, each student's parent to receive a copy at the annual case review if the purpose of the meeting is to discuss transition services.

SECTION 35. IC 20-37-2-2, AS AMENDED BY P.L.234-2007, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A governing body may:

- (1) establish career and technical education centers, schools, or departments in the manner approved by the state board; and
- (2) maintain these schools or departments from the general fund.

(b) The governing body may include in the high school curriculum without additional state board approval any secondary level career and technical education course that is:

- (1) included on the list of approved courses that the state board establishes under IC 20-20-20-3; and
- (2) approved under section 11 of this chapter, if applicable.

(c) The governing body shall notify the department and the department of workforce development **and unemployment insurance** whenever the governing body:

- (1) includes an approved course for; or
- (2) removes an approved course from;

the high school curriculum.

SECTION 36. IC 20-43-8-2, AS AMENDED BY P.L.234-2007, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Before December 1 of each year, the department of workforce development **and unemployment insurance** shall provide the department with a report, to be used to determine career and technical education grant amounts in the second

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calendar year after the year in which the report is provided, listing whether the labor market demand for each generally recognized labor category is more than moderate, moderate, or less than moderate. In the report, the department of workforce development **and unemployment insurance** shall categorize each of the career and technical education programs using the following four (4) categories:

(1) Programs that address employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.

(2) Programs that address employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.

(3) Programs that address employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.

(4) All programs not covered by the employment demand categories of subdivisions (1) through (3).

(b) Before December 1 of each year, the department of workforce development **and unemployment insurance** shall provide the department with a report, to be used to determine grant amounts that will be distributed under this chapter in the second calendar year after the year in which the report is provided, listing whether the average wage level for each generally recognized labor category for which career and technical education programs are offered is a high wage, a moderate wage, or a less than moderate wage.

(c) In preparing the labor market demand report under subsection (a) and the average wage level report under subsection (b), the department of workforce development **and unemployment insurance** shall, if possible, list the labor market demand and the average wage level for specific regions, counties, and municipalities.

(d) If a new career and technical education program is created by rule of the state board, the department of workforce development **and unemployment insurance** shall determine the category in which the program should be included.

SECTION 37. IC 20-43-8-10, AS AMENDED BY P.L.234-2007, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. If a school corporation determines that the categories of career and technical education programs issued by the department of workforce development **and unemployment insurance** under section 2 of this chapter are not representative of the employment demand in the region surrounding the school corporation, the school corporation may petition the department

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of workforce development **and unemployment insurance** to recategorize for the school corporation the career and technical education programs offered by the school corporation according to the employment demand in the region surrounding the school corporation. The petition must include information supporting the school corporation's determination that the categories of career and technical education programs by the department of workforce development **and unemployment insurance** under section 2 of this chapter are not representative of the employment demand in the region surrounding the school corporation.

SECTION 38. IC 21-18-10-6, AS ADDED BY P.L.234-2007, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The commission may develop a definition for and report biennially to the:

- (1) general assembly;
- (2) governor; and
- (3) commission for career and technical education within the department of workforce development **and unemployment insurance**;

on attrition and persistence rates by students enrolled in state career and technical education.

(b) A report under this section to the general assembly must be in an electronic format under IC 5-14-6.

SECTION 39. IC 22-4-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As a guide to the interpretation and application of this article, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is declared hereby to be a serious menace to the health, morale, and welfare of the people of this state and to the maintenance of public order within this state. Protection against this great hazard of our economic life can be provided in some measure by the required and systematic accumulation of funds during periods of employment to provide benefits to the unemployed during periods of unemployment and by encouragement of desirable stable employment. The enactment of this article to provide for payment of benefits to persons unemployed through no fault of their own, to encourage stabilization in employment, and to provide for integrated employment and training services in support of state economic development programs, and to provide maximum job training and employment opportunities for the unemployed, underemployed, the economically disadvantaged, dislocated workers, and others with substantial barriers to employment, is, therefore, essential to public welfare; and the same is declared to be

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1 a proper exercise of the police powers of the state. To further this
 2 public policy, the state, through its department of workforce
 3 development **and unemployment insurance**, will maintain close
 4 coordination among all federal, state, and local agencies whose mission
 5 affects the employment or employability of the unemployed and
 6 underemployed.

7 SECTION 40. IC 22-4-2-3.5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. "Commissioner"
 9 refers to the commissioner of **the department of** workforce
 10 development **and unemployment insurance**.

11 SECTION 41. IC 22-4-2-11 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. "Department"
 13 means the department of workforce development **and unemployment**
 14 **insurance**.

15 SECTION 42. IC 22-4-10.5-6, AS AMENDED BY P.L.202-2005,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2009]: Sec. 6. (a) The skills 2016 training program is to be
 18 administered by the Indiana economic development corporation in the
 19 manner prescribed by IC 5-28-27.

20 (b) The Indiana economic development corporation shall enter into
 21 an agreement with the department of workforce development **and**
 22 **unemployment insurance** for the department of workforce
 23 development **and unemployment insurance** to administer the fund.

24 SECTION 43. IC 22-4-14-6 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) An individual
 26 shall be eligible to receive extended benefits with respect to any week
 27 of unemployment in the individual's eligibility period only if the
 28 commissioner finds that with respect to such week:

29 (1) the individual is an "exhaustee" (as defined in
 30 IC 22-4-2-34(i)); and

31 (2) the individual has satisfied the requirements of this article for
 32 the receipt of regular benefits that are applicable to extended
 33 benefits, including not being subject to a disqualification for the
 34 receipt of benefits.

35 (b) If an individual has been disqualified from receiving extended
 36 benefits for failure to actively engage in seeking work under
 37 IC 22-4-15-2(c), the ineligibility shall continue for the week in which
 38 the failure occurs and until the individual earns remuneration in
 39 employment equal to or exceeding the weekly benefit amount of the
 40 individual's claim in each of four (4) weeks. For purposes of this
 41 subsection, an individual shall be treated as actively engaged in seeking
 42 work during any week if:

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(1) the individual has engaged in a systematic and sustained effort to obtain work during the week; and

(2) the individual provides tangible evidence to the department of workforce development **and unemployment insurance** that the individual has engaged in an effort to obtain work during the week.

(c) For claims for extended benefits established after September 25, 1982, notwithstanding any other provision of this article, an individual shall be eligible to receive extended benefits only if the individual's insured wages in the base period with respect to which the individual exhausted all rights to regular compensation were equal to or exceeded one and one-half (1 1/2) times the individual's insured wages in that calendar quarter of the base period in which the individual's insured wages were the highest.

SECTION 44. IC 22-4-14-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) For weeks of unemployment occurring after October 1, 1983, benefits may be paid to an individual on the basis of service performed in seasonal employment (as defined in IC 22-4-8-4) only if the claim is filed within the operating period of the seasonal employment. If the claim is filed outside the operating period of the seasonal employment, benefits may be paid on the basis of nonseasonal wages only.

(b) An employer shall file an application for a seasonal determination (as defined by IC 22-4-7-3) with the department of workforce development **and unemployment insurance**. A seasonal determination shall be made by the department within ninety (90) days after the filing of such an application. Until a seasonal determination by the department has been made in accordance with this section, no employer or worker may be considered seasonal.

(c) Any interested party may file an appeal regarding a seasonal determination within fifteen (15) calendar days after the determination by the department and obtain review of the determination in accordance with IC 22-4-32.

(d) Whenever an employer is determined to be a seasonal employer, the following provisions apply:

(1) The seasonal determination becomes effective the first day of the calendar quarter commencing after the date of the seasonal determination.

(2) The seasonal determination does not affect any benefit rights of seasonal workers with respect to employment before the effective date of the seasonal determination.

(e) If a seasonal employer, after the date of its seasonal

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determination, operates its business or its seasonal operation during a period or periods of twenty-six (26) weeks or more in a calendar year, the employer shall be determined by the department to have lost its seasonal status with respect to that business or operation effective at the end of the then current calendar quarter. The redetermination shall be reported in writing to the employer. Any interested party may file an appeal within fifteen (15) calendar days after the redetermination by the department and obtain review of the redetermination in accordance with IC 22-4-32.

(f) Seasonal employers shall keep account of wages paid to seasonal workers within the seasonal period as determined by the department and shall report these wages on a special seasonal quarterly report form provided by the department.

(g) The board shall adopt rules applicable to seasonal employers for determining their normal seasonal period or periods.

SECTION 45. IC 22-4-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) With respect to benefit periods established on and after July 3, 1977, an individual is ineligible for waiting period or benefit rights, or extended benefit rights, if the department finds that, being totally, partially, or part-totally unemployed at the time when the work offer is effective or when the individual is directed to apply for work, the individual fails without good cause:

- (1) to apply for available, suitable work when directed by the commissioner, the deputy, or an authorized representative of the department of workforce development **and unemployment insurance** or the United States training and employment service;
- (2) to accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner, the deputy, or an authorized representative of the department of workforce development **and unemployment insurance** or the United States training and employment service, or an employment unit; or
- (3) to return to the individual's customary self-employment when directed by the commissioner or the deputy.

(b) With respect to benefit periods established on and after July 6, 1980, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period

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or to the benefit period of a subsequent claim.

(c) With respect to extended benefit periods established on and after July 5, 1981, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of four (4) weeks.

(d) If an individual failed to apply for or accept suitable work as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction shall be raised to the next higher even dollar amount. The maximum benefit amount of the individual's current claim may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period.

(e) In determining whether or not any such work is suitable for an individual, the department shall consider:

- (1) the degree of risk involved to such individual's health, safety, and morals;
- (2) the individual's physical fitness and prior training and experience;
- (3) the individual's length of unemployment and prospects for securing local work in the individual's customary occupation; and
- (4) the distance of the available work from the individual's residence.

However, work under substantially the same terms and conditions under which the individual was employed by a base-period employer, which is within the individual's prior training and experience and physical capacity to perform, shall be considered to be suitable work unless the claimant has made a bona fide change in residence which makes such offered work unsuitable to the individual because of the distance involved. For an individual who is subject to section 1(c)(8) of this chapter, the determination of suitable work for the individual must reasonably accommodate the individual's need to address the physical, psychological, legal, and other effects of domestic or family violence.

(f) Notwithstanding any other provisions of this article, no work shall be considered suitable and benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

- (1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

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(2) If the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

(3) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining a bona fide labor organization.

(4) If as a condition of being employed the individual would be required to discontinue training into which the individual had entered with the approval of the department.

(g) Notwithstanding subsection (e), with respect to extended benefit periods established on and after July 5, 1981, "suitable work" means any work which is within an individual's capabilities. However, if the individual furnishes evidence satisfactory to the department that the individual's prospects for obtaining work in the individual's customary occupation within a reasonably short period are good, the determination of whether any work is suitable work shall be made as provided in subsection (e).

(h) With respect to extended benefit periods established on and after July 5, 1981, no work shall be considered suitable and extended benefits shall not be denied under this article to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the gross average weekly remuneration payable to the individual for the position would not exceed the sum of:

(A) the individual's average weekly benefit amount for the individual's benefit year; plus

(B) the amount (if any) of supplemental unemployment compensation benefits (as defined in Section 501(c)(17)(D) of the Internal Revenue Code) payable to the individual for such week.

(2) If the position was not offered to the individual in writing or was not listed with the department of workforce development **and unemployment insurance**.

(3) If such failure would not result in a denial of compensation under the provisions of this article to the extent that such provisions are not inconsistent with the applicable federal law.

(4) If the position pays wages less than the higher of:

(A) the minimum wage provided by 29 U.S.C. 206(a)(1) (The Fair Labor Standards Act of 1938), without regard to any exemption; or

(B) the state minimum wage (IC 22-2-2).

(i) The department of workforce development **and unemployment**

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1 **insurance** shall refer individuals eligible for extended benefits to any
 2 suitable work (as defined in subsection (g)) to which subsection (h)
 3 would not apply.

4 SECTION 46. IC 22-4-17-2, AS AMENDED BY P.L.108-2006,
 5 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2009]: Sec. 2. (a) When an individual files an initial claim, the
 7 department shall promptly make a determination of the individual's
 8 status as an insured worker in a form prescribed by the department. A
 9 written notice of the determination of insured status shall be furnished
 10 to the individual promptly. Each such determination shall be based on
 11 and include a written statement showing the amount of wages paid to
 12 the individual for insured work by each employer during the
 13 individual's base period and shall include a finding as to whether such
 14 wages meet the requirements for the individual to be an insured
 15 worker, and, if so, the week ending date of the first week of the
 16 individual's benefit period, the individual's weekly benefit amount, and
 17 the maximum amount of benefits that may be paid to the individual for
 18 weeks of unemployment in the individual's benefit period. For the
 19 individual who is not insured, the notice shall include the reason for the
 20 determination. Unless the individual, within ten (10) days after such
 21 determination was mailed to the individual's last known address, or
 22 otherwise delivered to the individual, asks a hearing thereon before an
 23 administrative law judge, such determination shall be final and benefits
 24 shall be paid or denied in accordance therewith.

25 (b) The department shall promptly furnish each employer in the base
 26 period whose experience or reimbursable account is potentially
 27 chargeable with benefits to be paid to such individual with **a actual**
 28 notice in writing of the employer's benefit liability. ~~Such~~ **The** notice
 29 shall contain the date, the name and Social Security account number of
 30 the individual, the ending date of the individual's base period, ~~and~~ the
 31 week ending date of the first week of the individual's benefit period,
 32 **Such the time by which the employer is required to respond to the**
 33 **notice, and complete information about the rules of evidence and**
 34 **standards of proof that the department will apply to determine the**
 35 **validity of a claim, if an employer disputes the claim. The** notice
 36 shall further contain information as to the proportion of benefits
 37 chargeable to the employer's experience or reimbursable account in
 38 ratio to the earnings of such individual from such employer. Unless the
 39 employer, within ten (10) days after ~~such the employer receives~~
 40 **actual** notice of benefit liability, ~~was mailed to the employer's last~~
 41 ~~known address, or otherwise delivered to the employer,~~ asks a hearing
 42 thereon before an administrative law judge, such determination shall

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1 be final and benefits paid shall be charged in accordance therewith.

2 (c) An employing unit, including an employer, having knowledge of
3 any facts which may affect an individual's eligibility or right to waiting
4 period credits or benefits, shall notify the department of such facts
5 within ten (10) days after the ~~mailing of~~ **employing unit receives**
6 **actual** notice that a former employee has filed an initial or additional
7 claim for benefits on a form prescribed by the department.

8 (d) In addition to the foregoing determination of insured status by
9 the department, the deputy shall, throughout the benefit period,
10 determine the claimant's eligibility with respect to each week for which
11 the claimant claims waiting period credit or benefit rights, the validity
12 of the claimant's claim therefor, and the cause for which the claimant
13 left the claimant's work, or may refer such claim to an administrative
14 law judge who shall make the initial determination with respect thereto
15 in accordance with the procedure in IC 22-4-17-3. **Before a**
16 **determination is made under this subsection, each employer in the**
17 **base period whose experience or reimbursable account is**
18 **potentially chargeable with benefits to be paid to the claimant must**
19 **receive actual notice of the employer's potential benefit liability,**
20 **the time by which the employer is required to respond to the notice,**
21 **and complete information about the rules of evidence and**
22 **standards of proof that the deputy will apply to determine the**
23 **validity of the claim.**

24 (e) In cases where the claimant's benefit eligibility or
25 disqualification is disputed, the department shall promptly notify the
26 claimant and the employer or employers directly involved or connected
27 with the issue raised as to the validity of such claim, the eligibility of
28 the claimant for waiting period credit or benefits, or the imposition of
29 a disqualification period or penalty, or the denial thereof, and of the
30 cause for which the claimant left the claimant's work, of such
31 determination and the reasons thereof.

32 (f) Except as otherwise hereinafter provided in this ~~subsection~~
33 **section** regarding parties located in Alaska, Hawaii, and Puerto Rico,
34 unless:

- 35 (1) the claimant, ~~or such employer, within not later than~~ ten (10)
36 days after ~~such~~ **the notification required by subsection (e)** was
37 mailed to the claimant's ~~or the employer's~~ last known address;
38 (2) **the employer, not later than ten (10) days after the**
39 **employer actually receives the notification required by**
40 **subsection (e); or**
41 (3) **the claimant or the employer, not later than ten (10) days**
42 **after the notification required by subsection (e) is otherwise**

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1 **actually** delivered to the claimant or the employer;
 2 asks **for** a hearing before an administrative law judge thereon, such
 3 decision shall be final and benefits shall be paid or denied in
 4 accordance therewith.

5 **(g)** With respect to notice of disputed administrative determination
 6 or decision mailed or otherwise delivered to the claimant or employer
 7 either of whom is located in Alaska, Hawaii, or Puerto Rico, unless:
 8 ~~such~~

9 **(1) the claimant, or employer, within not later than fifteen (15)**
 10 **days after ~~such~~ the notification required by subsection (e) was**
 11 **mailed to the claimant's or employer's last known address;**

12 **(2) the employer, not later than fifteen (15) days after the**
 13 **employer actually receives the notification required by**
 14 **subsection (e); or**

15 **(3) the claimant or the employer, not later than fifteen (15)**
 16 **days after the notification required by subsection (e) is**
 17 **otherwise actually delivered to the claimant or employer;**

18 asks **for** a hearing before an administrative law judge thereon, such
 19 decision shall be final and benefits shall be paid or denied in
 20 accordance therewith.

21 **(h) If ~~such~~ a claimant or employer desires a hearing is desired,**
 22 **under subsection (f) or (g), the request therefor shall be filed with the**
 23 **department in writing within the prescribed periods as above set forth**
 24 **in this ~~subsection~~ section and shall be in such form as the department**
 25 **may prescribe. In the event a hearing is requested by an employer or**
 26 **the department after it has been administratively determined that**
 27 **benefits should be allowed to a claimant, entitled benefits shall**
 28 **continue to be paid to said claimant unless said administrative**
 29 **determination has been reversed by a due process hearing. Benefits**
 30 **with respect to any week not in dispute shall be paid promptly**
 31 **regardless of any appeal.**

32 ~~(f)~~ **(i)** A person may not participate on behalf of the department in
 33 any case in which the person is an interested party.

34 ~~(g)~~ **(j)** Solely on the ground of obvious administrative error
 35 appearing on the face of an original determination, and within the
 36 benefit year of the affected claims, the commissioner, or a
 37 representative authorized by the commissioner to act in the
 38 commissioner's behalf, may reconsider and direct the deputy to revise
 39 the original determination so as to correct the obvious error appearing
 40 therein. Time for filing an appeal and requesting a hearing before an
 41 administrative law judge regarding the determinations handed down
 42 pursuant to this subsection shall begin on the date following the date

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of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

(h) (k) Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

(i) (l) If an allegation of the applicability of IC 22-4-15-1(c)(8) is made by the individual at the time of the claim for benefits, the department shall not notify the employer of the claimant's current address or physical location.

SECTION 47. IC 22-4-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Unless such request for hearing is withdrawn, an administrative law judge, after **providing the notice required under section 6 of this chapter and** affording the parties a reasonable opportunity for fair hearing, shall affirm, modify, or reverse the findings of fact and decision of the deputy.

(b) The parties shall be duly notified of ~~such~~ **the decision made under subsection (a)** and the reasons therefor, which shall be deemed to be the final decision of the review board, unless, **subject to subsection (c)**, within fifteen (15) days after the date of notification or mailing of such decision, an appeal is taken by the commissioner or by any party adversely affected by such decision to the review board.

(c) **Notwithstanding subsection (b), whenever an employer is a party adversely affected by a decision made under subsection (a), the employer has fifteen (15) days after the date the employer receives actual notice of the decision to take an appeal to the review board.**

SECTION 48. IC 22-4-17-4, AS AMENDED BY P.L.108-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The department shall employ one (1) or more administrative law judges to hear and decide disputed claims. Administrative law judges employed under this section are not subject to IC 4-21.5 or any other statute regulating administrative law judges, unless specifically provided.

(b) **The department shall at least annually provide to all administrative law judges, review board members, and other individuals who adjudicate claims training concerning:**

- (1) **unemployment compensation law;**
- (2) **rules for the conduct of hearings and appeals; and**
- (3) **rules of conduct for administrative law judges, review**

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board members, and other individuals who adjudicate claims during a hearing or other adjudicative process.

(c) The department regularly shall monitor the hearings and decisions of its administrative law judges, review board members, and other individuals who adjudicate claims to ensure that the hearings and decisions strictly comply with the law and the rules described in subsection (b).

(d) An individual who does not strictly comply with the law and the rules described in subsection (b), including the rules of conduct for administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process, is subject to disciplinary action by the department, up to and including suspension from or termination of employment.

SECTION 49. IC 22-4-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The governor shall appoint a review board composed of three (3) members, not more than two (2) of whom shall be members of the same political party, with salaries to be fixed by the governor. The review board shall consist of the chairman and the two (2) members who shall serve for terms of three (3) years. At least one (1) member must be admitted to the practice of law in Indiana.

(b) Any claim pending before an administrative law judge, and all proceedings therein, may be transferred to and determined by the review board upon its own motion, at any time before the administrative law judge announces his decision. Any claim pending before either an administrative law judge or the review board may be transferred to the board for determination at the direction of the board. If the review board considers it advisable to procure additional evidence, it may direct the taking of additional evidence within a time period it shall fix. **An employer that is a party to a claim transferred to the review board or the board under this subsection is entitled to receive notice in accordance with section 6 of this chapter of the transfer or any other action to be taken under this section before the determination or other action concerning the claim is taken.**

(c) Any proceeding so removed to the review board shall be heard by a quorum of the review board in accordance with the requirements of section 3 of this chapter. The review board shall notify the parties to any claim of its decision, together with its reasons for the decision.

(d) Members of the review board, when acting as administrative law judges, are subject to section 15 of this chapter.

(e) The review board may on the board's own motion affirm, modify,

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1 set aside, remand, or reverse the findings, conclusions, or orders of an
2 administrative law judge on the basis of any of the following:

3 (1) Evidence previously submitted to the administrative law
4 judge.

5 (2) The record of the proceeding after the taking of additional
6 evidence as directed by the review board.

7 (3) A procedural error by the administrative law judge.

8 SECTION 50. IC 22-4-17-6, AS AMENDED BY P.L.108-2006,
9 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2009]: Sec. 6. **(a)** The manner in which disputed claims shall
11 be presented and the conduct of hearings and appeals, **including the**
12 **conduct of administrative law judges, review board members, and**
13 **other individuals who adjudicate claims during a hearing or other**
14 **adjudicative process**, shall be in accordance with rules adopted by the
15 department for determining the rights of the parties, whether or not the
16 rules conform to common law or statutory rules of evidence and other
17 technical rules of procedure.

18 **(b)** A full and complete record shall be kept of all proceedings in
19 connection with a disputed claim. The testimony at any hearing upon
20 a disputed claim need not be transcribed unless the disputed claim is
21 further appealed.

22 **(c)** Each party to a hearing before an administrative law judge held
23 under section 3 of this chapter shall be mailed a notice of the hearing
24 at least ten (10) days before the date of the hearing specifying the **date**,
25 place, and time of the hearing, ~~and~~ identifying the issues to be decided,
26 **and providing complete information about the rules of evidence**
27 **and standards of proof that the administrative law judge will use**
28 **to determine the validity of the claim. An employer must receive**
29 **actual notice of a hearing before the hearing may be held.**

30 **(d)** If a hearing so scheduled has not commenced within at least
31 sixty (60) minutes of the time for which it was scheduled, then a party
32 involved in the hearing may request a continuance of the hearing. Upon
33 submission of a request for continuance of a hearing under
34 circumstances provided in this section, **including an employer's**
35 **failure to receive actual notice of a hearing as required under**
36 **subsection (c)**, the continuance shall be granted unless the party
37 requesting the continuance was responsible for the delay in the
38 commencement of the hearing as originally scheduled. In the latter
39 instance, the continuance shall be discretionary with the administrative
40 law judge. Testimony or other evidence introduced by a party at a
41 hearing before an administrative law judge or the review board that
42 another party to the hearing:

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(1) is not prepared to meet; and

(2) by ordinary prudence could not be expected to have anticipated;

shall be good cause for continuance of the hearing and upon motion such continuance shall be granted.

SECTION 51. IC 22-4-17-14, AS AMENDED BY P.L.108-2006, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. **(a) This section does not apply to a notice given to an employer if the employer is required under this chapter to receive actual notice.**

~~(a)~~ **(b)** Except as otherwise provided by this chapter, this section applies to notices given under sections 2, 3, 11, and 12 of this chapter. This section does not apply to rules adopted by the board or the department, unless specifically provided.

~~(b)~~ **(c)** As used in this section, "notices" includes mailings of notices, determinations, decisions, orders, motions, or the filing of any document with the appellate division or review board.

~~(c)~~ **(d)** If a notice is served through the United States mail, three (3) days must be added to a period that commences upon service of that notice.

~~(d)~~ **(e)** The filing of a document with the appellate division or review board is complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the appellate division or review board.

(2) The date of the postmark on the envelope containing the document if the document is mailed to the appellate division or review board by the United States Postal Service.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the appellate division or review board by a private carrier.

SECTION 52. IC 22-4-18-1, AS AMENDED BY P.L.234-2007, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) There is created a department under IC 22-4.1-2-1 which shall be known as the department of workforce development **and unemployment insurance.**

(b) The department of workforce development **and unemployment insurance** may:

(1) Administer the unemployment insurance program, the Wagner-Peyser program, the Workforce Investment Act, a free public labor exchange, and related federal and state employment

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and training programs as directed by the governor.

(2) Formulate and implement an employment and training plan as required by the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act, and the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(3) Coordinate activities with all state agencies and departments that either provide employment and training related services or operate appropriate resources or facilities, to maximize Indiana's efforts to provide employment opportunities for economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment.

(4) Apply for, receive, disburse, allocate, and account for all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.

(5) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department.

(6) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of the department imposed by this chapter, including contracts for the establishment and administration of employment and training offices and the delegation of the department's administrative, monitoring, and program responsibilities and duties set forth in this article.

(7) Perform other services and activities that are specified in contracts for payments or reimbursement of the costs made with the Secretary of Labor, any federal, state, or local public agency or administrative entity, or a private for-profit or nonprofit organization under the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act.

(8) Enter into contracts or agreements and cooperate with entities that provide career and technical education to carry out the duties imposed by this chapter.

(c) The payment of unemployment insurance benefits must be made in accordance with 26 U.S.C. 3304.

(d) The department of workforce development **and unemployment insurance** may do all acts and things necessary or proper to carry out the powers expressly granted under this article, including the adoption of rules under IC 4-22-2.

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(e) The department of workforce development **and unemployment insurance** may not charge any claimant for benefits for providing services under this article, except as provided in IC 22-4-17-12.

(f) The department of workforce development **and unemployment insurance** shall distribute federal funds made available for employment training in accordance with:

(1) 29 U.S.C. 2801 et seq., including reauthorizations of the Act, and other applicable federal laws; and

(2) the plan prepared by the department under subsection (g)(1).

(g) In addition to the duties prescribed in subsections (a) through (f), the department of workforce development **and unemployment insurance** shall do the following:

(1) Implement to the best of its ability its employment training programs and the comprehensive career and technical education program in Indiana developed under the long range plan under IC 22-4.1-13.

(2) Upon request of the budget director, prepare a legislative budget request for state and federal funds for employment training. The budget director shall determine the period to be covered by the budget request.

(3) Evaluate its programs according to criteria established by the Indiana commission for career and technical education within the department of workforce development **and unemployment insurance** under IC 22-4.1-13.

(4) Make or cause to be made studies of the needs for various types of programs that are related to employment training and authorized under the Workforce Investment Act, including reauthorizations of the Act.

(5) Distribute state funds made available for employment training that have been appropriated by the general assembly in accordance with:

(A) the general assembly appropriation; and

(B) the plan prepared by the department under subdivision (1).

(6) Establish, implement, and maintain a training program in the nature and dynamics of domestic and family violence for training of all employees of the department who interact with a claimant for benefits to determine whether the claim of the individual for unemployment benefits is valid and to determine that employment separations stemming from domestic or family violence are reliably screened, identified, and adjudicated and that victims of domestic or family violence are able to take advantage of the full range of job services provided by the department. The training

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1 presenters shall include domestic violence experts with expertise
 2 in the delivery of direct services to victims of domestic violence,
 3 including using the staff of shelters for battered women in the
 4 presentation of the training. The initial training shall consist of
 5 instruction of not less than six (6) hours. Refresher training shall
 6 be required annually and shall consist of instruction of not less
 7 than three (3) hours.

8 SECTION 53. IC 22-4-18-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The department of
 10 workforce development **and unemployment insurance** established
 11 under IC 22-4.1-2-1 shall administer job training and placement
 12 services, the skills 2016 training program established by
 13 IC 22-4-10.5-2, and unemployment insurance.

14 SECTION 54. IC 22-4-18-7 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The department
 16 annually shall prepare a written report of its training activities and the
 17 training activities of the various workforce investment boards during
 18 the immediately preceding state fiscal year. The department's annual
 19 report for a particular state fiscal year must include information for
 20 each training project for which either the department or a workforce
 21 development board provided any funding during that state fiscal year.
 22 At a minimum, the following information must be provided for such a
 23 training project:

24 (1) A description of the training project, including the name and
 25 address of the training provider.

26 (2) The amount of funding that either the department or a
 27 workforce investment board provided for the project and an
 28 indication of which entity provided the funding.

29 (3) The number of trainees who participated in the project.

30 (4) Demographic information about the trainees, including the age
 31 of each trainee, the education attainment level of each trainee, and
 32 for those training projects that have specific gender requirements,
 33 the gender of each trainee.

34 (5) The results of the project, including skills developed by
 35 trainees, any license or certification associated with the training
 36 project, the extent to which trainees have been able to secure
 37 employment or obtain better employment, and descriptions of the
 38 specific jobs which trainees have been able to secure or to which
 39 trainees have been able to advance.

40 (b) With respect to trainees that have been able to secure
 41 employment or obtain better employment, the department of workforce
 42 development **and unemployment insurance** shall compile data on the

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1 retention rates of those trainees in the jobs which the trainees secured
 2 or to which they advanced. The department shall include information
 3 concerning those retention rates in each of its annual reports.

4 (c) On or before October 1 of each state fiscal year, each workforce
 5 investment board shall provide the department with a written report of
 6 its training activities for the immediately preceding state fiscal year.
 7 The workforce development board shall prepare the report in the
 8 manner prescribed by the department. However, at a minimum, the
 9 workforce development board shall include in its report the information
 10 required by subsection (a) for each training project for which the
 11 workforce development board provided any funding during the state
 12 fiscal year covered by the report. In addition, the workforce
 13 development board shall include in each report retention rate
 14 information as set forth in subsection (b).

15 (d) The department shall provide a copy of its annual report for a
 16 particular state fiscal year to the:

- 17 (1) governor;
- 18 (2) legislative council; and
- 19 (3) unemployment insurance board;

20 on or before December 1 of the immediately preceding state fiscal year.
 21 An annual report provided under this subsection to the legislative
 22 council must be in an electronic format under IC 5-14-6.

23 SECTION 55. IC 22-4-18.1-7, AS AMENDED BY P.L.161-2006,
 24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2009]: Sec. 7. (a) Except as provided in subsection (b) and
 26 subject to the approval of the commissioner of the department of
 27 workforce development **and unemployment insurance**, the state
 28 personnel department, and the budget agency, the council may employ
 29 professional, technical, and clerical personnel necessary to carry out the
 30 duties imposed by this chapter using the following:

- 31 (1) Funds available under applicable federal and state programs.
- 32 (2) Appropriations by the general assembly for this purpose.
- 33 (3) Funds in the state technology advancement and retention
- 34 account established by IC 4-12-12-1.
- 35 (4) Other funds (other than federal funds) available to the council
- 36 for this purpose.

37 (b) Subject to the approval of the commissioner of the department
 38 of workforce development **and unemployment insurance** and the
 39 budget agency, the council may contract for services necessary to
 40 implement this chapter.

41 (c) The council is subject to:

- 42 (1) the allotment system administered by the budget agency; and

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(2) financial oversight by the office of management and budget.
 SECTION 56. IC 22-4-26-5, AS AMENDED BY P.L.3-2008,
 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Money credited to the account
 of this state in the unemployment trust fund by the Secretary of the
 Treasury of the United States pursuant to 42 U.S.C. 1103, as amended,
 may be requisitioned and used for the payment of expenses incurred for
 the administration of this article and public employment offices
 pursuant to a specific appropriation by the general assembly, provided
 that the expenses are incurred and the money is requisitioned after the
 enactment of an appropriation statute which:

(1) specifies the purposes for which such money is appropriated
 and the amounts appropriated therefor;

(2) except as provided in subsection (i), limits the period within
 which such money may be obligated to a period ending not more
 than two (2) years after the date of the enactment of the
 appropriation statute; and

(3) limits the total amount which may be obligated during a
 twelve (12) month period beginning on July 1 and ending on the
 next June 30 to an amount which does not exceed the amount by
 which:

(A) the aggregate of the amounts credited to the account of
 this state pursuant to 42 U.S.C. 1103, as amended, during such
 twelve (12) month period and the twenty-four (24) preceding
 twelve (12) month periods; exceeds

(B) the aggregate of the amounts obligated by this state
 pursuant to this section and amounts paid out for benefits and
 charged against the amounts credited to the account of this
 state during such twenty-five (25) twelve (12) month periods.

(b) For the purposes of this section, amounts obligated by this state
 during any such twelve (12) month period shall be charged against
 equivalent amounts which were first credited and which have not
 previously been so charged, except that no amount obligated for
 administration of this article and public employment offices during any
 such twelve (12) month period may be charged against any amount
 credited during such twelve (12) month period earlier than the
 fourteenth preceding such twelve (12) month period.

(c) Amounts credited to the account of this state pursuant to 42
 U.S.C. 1103, as amended, may not be obligated except for the payment
 of cash benefits to individuals with respect to their unemployment and
 for the payment of expenses incurred for the administration of this
 article and public employment offices pursuant to this section.

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(d) Money appropriated as provided in this section for the payment of expenses incurred for the administration of this article and public employment offices pursuant to this section shall be requisitioned as needed for payment of obligations incurred under such appropriation and upon requisition shall be deposited in the employment and training services administration fund but, until expended, shall remain a part of the unemployment insurance benefit fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is for any reason not to be expended for the purpose for which it was appropriated, or if it remains unexpended at the end of the period specified by the statute appropriating such money, it shall be withdrawn and returned to the Secretary of the Treasury of the United States for credit to this state's account in the unemployment trust fund.

(e) There is appropriated out of the funds made available to Indiana under Section 903 of the Social Security Act, as amended by Section 209 of the Temporary Extended Unemployment Compensation Act of 2002 (which is Title II of the federal Jobs Creation and Worker Assistance Act of 2002, Pub.L107-147), seventy-two million two hundred thousand dollars (\$72,200,000) to the department of workforce development **and unemployment insurance**. The appropriation made by this subsection is available for ten (10) state fiscal years beginning with the state fiscal year beginning July 1, 2003. Unencumbered money at the end of a state fiscal year does not revert to the state general fund.

(f) Money appropriated under subsection (e) is subject to the requirements of IC 22-4-37-1.

(g) Money appropriated under subsection (e) may be used only for the following purposes:

(1) The administration of the Unemployment Insurance (UI) program and the Wagner Peyser public employment office program.

(2) Acquiring land and erecting buildings for the use of the department of workforce development **and unemployment insurance**.

(3) Improvements, facilities, paving, landscaping, and equipment repair and maintenance that may be required by the department of workforce development **and unemployment insurance**.

(h) In accordance with the requirements of subsection (g), the department of workforce development **and unemployment insurance** may allocate up to the following amounts from the amount described in subsection (e) for the following purposes:

(1) Thirty-nine million two hundred thousand dollars

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(\$39,200,000) to be used for the modernization of the Unemployment Insurance (UI) system beginning July 1, 2003, and ending June 30, 2013.

(2) For:

(A) the state fiscal year beginning after June 30, 2003, and ending before July 1, 2004, five million dollars (\$5,000,000);

(B) the state fiscal year beginning after June 30, 2004, and ending before July 1, 2005, five million dollars (\$5,000,000);

(C) the state fiscal year beginning after June 30, 2005, and ending before July 1, 2006, five million dollars (\$5,000,000);

(D) the state fiscal year beginning after June 30, 2006, and ending before July 1, 2007, five million dollars (\$5,000,000);

(E) the state fiscal year beginning after June 30, 2007, and ending before July 1, 2008, five million dollars (\$5,000,000);

and

(F) state fiscal years beginning after June 30, 2008, and ending before July 1, 2012, the unused part of any amount allocated in any year for any purpose under this subsection;

for the JOBS proposal to meet the workforce needs of Indiana employers in high wage, high skill, high demand occupations.

(3) For:

(A) the state fiscal year beginning after June 30, 2003, and ending before July 1, 2004, four million dollars (\$4,000,000);

and

(B) the state fiscal year beginning after June 30, 2004, and ending before July 1, 2005, four million dollars (\$4,000,000);

to be used by the workforce investment boards in the administration of Indiana's public employment offices.

(i) The amount appropriated under subsection (e) for the payment of expenses incurred in the administration of this article and public employment is not required to be obligated within the two (2) year period described in subsection (a)(2).

SECTION 57. IC 22-4.1-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. "Commissioner" refers to the commissioner of the department of workforce development **and unemployment insurance** appointed under IC 22-4.1-3-1.

SECTION 58. IC 22-4.1-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. "Department" refers to the department of workforce development **and unemployment insurance** established under IC 22-4.1-2.

SECTION 59. IC 22-4.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The department of

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workforce development **and unemployment insurance** is established. Notwithstanding any other law, the department is the sole agency to plan, coordinate, implement, monitor, and make recommendations regarding initiatives designed to prepare Indiana's workforce for effective participation in the competitive and global economy.

SECTION 60. IC 22-4.1-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. After June 30, 2009, a reference to the department of workforce development in Indiana law, a rule, or another document is considered to be a reference to the department of workforce development and unemployment insurance.**

SECTION 61. IC 22-4.1-3-4, AS AMENDED BY P.L.234-2007, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. Funds necessary to support the operating costs of the department of workforce development **and unemployment insurance** beyond those approved and appropriated by the United States Congress or approved by federal agencies for the operation of the department and specifically authorized by other provisions of IC 22-4:

- (1) must be specifically appropriated from the state general fund for this purpose; and
- (2) may not be derived from other state or federal funds directed for unemployment insurance programs under IC 22-4, including funds under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), any other grants or funds that are passed through for job training programs, the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.), and any other grant or funds for career and technical education.

SECTION 62. IC 22-4.5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. "Department" refers to the department of workforce development **and unemployment insurance** established under IC 22-4.1-2.

SECTION 63. IC 23-15-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The secretary of state shall, upon request from the department of workforce development **and unemployment insurance**, provide to the department of workforce development **and unemployment insurance** a list of:

- (1) corporations;
- (2) nonprofit corporations;
- (3) limited partnerships; and
- (4) limited liability companies;

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1 that have been administratively, judicially, or voluntarily dissolved
2 under IC 23.

3 SECTION 64. IC 27-16-10-3, AS ADDED BY P.L.245-2005,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]: Sec. 3. Upon the:

- 6 (1) termination of a professional employer agreement; or
7 (2) failure by a PEO to submit reports or make tax payments as
8 required under this article;

9 the client must be treated by the department of workforce development
10 **and unemployment insurance** as a new employer without a previous
11 experience record unless the client is otherwise eligible for an
12 experience rating.

13 SECTION 65. IC 31-25-4-8, AS ADDED BY P.L.145-2006,
14 SECTION 271, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2009]: Sec. 8. In addition to the duties imposed
16 by section 7 of this chapter, the bureau shall do the following:

- 17 (1) Perform one (1) of the following under IC 22-4-39:

18 (A) Enter into an agreement with each individual who owes a
19 child support obligation being enforced by the child support
20 bureau and who is eligible for unemployment compensation
21 benefits under IC 22-4 to have a specified amount withheld
22 from the benefits otherwise payable to the individual, not to
23 exceed the individual's unemployment compensation weekly
24 benefit amount.

25 (B) Bring legal process to require the withholding of specified
26 amounts from the individual's unemployment compensation
27 benefits.

28 (C) Accept an amount specified by the individual to be
29 deducted and withheld by the department of workforce
30 development **and unemployment insurance**.

- 31 (2) Notify the department of workforce development **and**
32 **unemployment insurance** of the amounts to be deducted from an
33 individual's unemployment compensation as determined under
34 subdivision (1), not to exceed the individual's weekly benefit
35 amount of unemployment compensation.

- 36 (3) Reimburse the department of workforce development **and**
37 **unemployment insurance** for the administrative costs incurred
38 by the department under IC 22-4-39.

39 SECTION 66. IC 31-25-4-31, AS AMENDED BY P.L.138-2008,
40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2009]: Sec. 31. (a) The bureau shall operate a data match
42 system with each financial institution doing business in Indiana.

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(b) Each financial institution doing business in Indiana shall provide information to the bureau on all noncustodial parents who:

- (1) hold one (1) or more accounts with the financial institution; and
- (2) are delinquent.

(c) In order to provide the information required under subsection (b), a financial institution shall either:

- (1) identify noncustodial parents by comparing records maintained by the financial institution with records provided by the bureau by:

- (A) name; and

- (B) either Social Security number or tax identification number; or

- (2) submit to the bureau a report, in a form satisfactory to the bureau, that includes the Social Security number or tax identification number of each individual maintaining an account at the financial institution. The reports submitted under this subdivision must be accessible to:

- (A) the department of state revenue established by IC 6-8.1-2-1 or its agents for use only in tax judgment and levy administration described in IC 6-8.1-8-8.7(b)(2); or

- (B) the department of workforce development **and unemployment insurance** established by IC 22-4.1-2-1 or its agents for use only in the collection of unpaid final assessments described in IC 22-4-29-14(b)(2).

(d) The information required under subsection (b) must:

- (1) be provided on a quarterly basis; and
- (2) include the:

- (A) name;

- (B) address of record; and

- (C) either the Social Security number or tax identification number;

of an individual identified under subsection (b).

(e) When the bureau has determined that the information required under subsection (d)(2) is identical for an individual who holds an account with a financial institution and an individual whose name appears on the quarterly list prepared by the bureau under section 30 of this chapter, the bureau shall provide a notice of the match if action is to be initiated to block or encumber the account by establishing a lien for child support payment to the:

- (1) individual; and
- (2) financial institution holding the account.

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(f) The notice under ~~section~~ **subsection** (e) must inform the individual that:

(1) the individual's account in a financial institution is subject to a child support lien; and

(2) the individual may file an appeal with the bureau within twenty (20) days after the date the notice was issued.

(g) The bureau shall hold a hearing under 470 IAC 1-4. The department's final action following a hearing held under this subsection is subject to judicial review as provided in 470 IAC 1-4.

(h) The state's lien on assets under this section is subordinate to any prior lien perfected by:

(1) a financial institution; or

(2) another legitimate lien holder.

(i) A lien issued under this section remains in effect until the earliest of:

(1) one hundred twenty (120) days after issuance;

(2) the date the asset on which the lien is issued is surrendered; or

(3) the date the lien is released by an action of the bureau.

(j) This section does not preclude a financial institution from exercising its right to:

(1) charge back or recoup a deposit to an account; or

(2) set off from an account held by the financial institution in which the noncustodial parent has an interest in any debts owed to the financial institution that existed before:

(A) the state's lien; and

(B) notification to the financial institution of the child support delinquency.

(k) A financial institution ordered to block or encumber an account under this section is entitled to collect its normally scheduled account activity fees to maintain the account during the period the account is blocked or encumbered.

(l) All information provided by a financial institution under this section is confidential and is available only to the bureau or its agents for use only in child support enforcement activities.

(m) A financial institution providing information required under this section is not liable for:

(1) disclosing the required information to the bureau, the department of state revenue established by IC 6-8.1-2-1, or the department of workforce development **and unemployment insurance** established by IC 22-4.1-2-1;

(2) blocking or surrendering any of an individual's assets in response to a lien imposed by:

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- 1 (A) the bureau under this section; or
- 2 (B) a person or entity acting on behalf of the bureau; or
- 3 (3) any other action taken in good faith to comply with this
- 4 section.

5 (n) The department shall pay a financial institution performing the
6 data match required by this section a reasonable fee for providing the
7 service that does not exceed the actual cost incurred by the financial
8 institution.

9 (o) This section does not prevent the bureau or its agents from
10 encumbering an obligor's account with a financial institution by any
11 other remedy available for the enforcement of a child support order.

12 SECTION 67. IC 34-46-2-15 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. IC 22-4-19-6
14 (Concerning department of workforce development **and**
15 **unemployment insurance** information).

16 SECTION 68. IC 34-52-2-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Subject to any
18 other statute governing reimbursement of fees and other expenses, this
19 chapter applies to the reimbursement of the fees and other expenses
20 incurred in preparing for or prosecuting:

- 21 (1) a proceeding under IC 4-21.5-5 to judicially review a final
- 22 order made by a state agency;
- 23 (2) an appeal from a final determination made by the worker's
- 24 compensation board;
- 25 (3) an appeal of a final determination made by the department of
- 26 state revenue; or
- 27 (4) an appeal of a final determination made by the department of
- 28 workforce development **and unemployment insurance** or the
- 29 ~~department of workforce development~~ unemployment insurance
- 30 review board **of the department of workforce development and**
- 31 **unemployment insurance.**

32 (b) However, this chapter does not apply to an order or other
33 determination:

- 34 (1) under:
 - 35 (A) IC 16-27-1;
 - 36 (B) IC 16-28;
 - 37 (C) IC 16-29-1 (**repealed**);
 - 38 (D) IC 16-30;
 - 39 (E) IC 12-28-4; or
 - 40 (F) IC 12-28-5;
- 41 (2) by an agency described by IC 25-1-8-1; or
- 42 (3) by the board of podiatric medicine.

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1 SECTION 69. IC 36-2-7-9 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. This chapter does not
 3 require the county sheriff to pay the following into the county general
 4 fund:

5 (1) Any damages set forth in a warrant that is issued by the
 6 department of state revenue and on which collection is made by
 7 the sheriff, including damages prescribed by IC 6-8.1-8.

8 (2) Sums, other than court fees, retained by the circuit court clerk
 9 for the sheriff from the collections obtained by warrants of the
 10 department of workforce development **and unemployment**
 11 **insurance.**

12 (3) Sums allowed by IC 36-8 to sheriffs for the feeding of
 13 prisoners.

14 SECTION 70. IC 36-7-13-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) In order to
 16 coordinate the efforts of the unit and any private industrial
 17 development committee in the community, an advisory commission on
 18 industrial development shall be appointed by the unit's executive.

19 (b) Except as provided in subsection (d), the commission shall be
 20 composed of six (6) members, including at least one (1) representative
 21 of the unit's government, at least one (1) representative of the local
 22 industrial development committee, at least one (1) representative of a
 23 local banking institution, at least one (1) representative of a local utility
 24 company, and at least one (1) representative of organized labor from
 25 the building trades. A member of the commission may represent more
 26 than one (1) of the organizations enumerated.

27 (c) The unit's legislative body shall request the commission's
 28 recommendations. The legislative body may not conduct any business
 29 requiring expenditures from the industrial development fund or make
 30 any sale or lease of property acquired by the unit under this chapter
 31 without the approval, in writing, of a majority of the members of the
 32 commission.

33 (d) In addition to the members described in subsection (b), if the
 34 executive of a unit has submitted a petition to a commission under
 35 section 10 of this chapter or if the legislative body of a county or
 36 municipality has adopted an ordinance designating a district under
 37 section 10.5 of this chapter, the following persons are members of the
 38 commission:

39 (1) A member appointed by the governor.

40 (2) A member appointed by the lieutenant governor.

41 (3) A member appointed by the director of the department of
 42 workforce development **and unemployment insurance.**

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1 SECTION 71. IC 36-7.6-1-7, AS ADDED BY P.L.232-2007,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 7. "Economic growth region" refers to an
4 economic growth region designated by the department of workforce
5 development **and unemployment insurance.**

6 SECTION 72. [EFFECTIVE JULY 1, 2009] (a) **The department**
7 **of workforce development and unemployment insurance shall**
8 **amend references to the department of workforce development in**
9 **the Indiana Administrative Code to reflect the change of the**
10 **department's name by this act to the department of workforce**
11 **development and unemployment insurance.**

12 (b) This SECTION expires July 1, 2011.

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COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 84, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, reset in roman "workforce development."
 Page 1, line 11, delete "." and insert "**and**".
 Page 3, line 33, reset in roman "workforce".
 Page 3, line 34, reset in roman "development".
 Page 3, line 34, after "development" insert "**and**".
 Page 4, line 30, reset in roman "workforce development".
 Page 4, line 30, delete "." and insert "**and**".
 Page 4, line 34, reset in roman "workforce".
 Page 4, line 35, reset in roman "development".
 Page 4, line 35, after "development" delete "." and insert "**and**".
 Page 5, line 15, reset in roman "workforce".
 Page 5, line 16, reset in roman "development".
 Page 5, line 16, after "development" insert "**and**".
 Page 8, line 1, reset in roman "workforce".
 Page 8, line 2, reset in roman "development".
 Page 8, line 2, after "development" insert "**and**".
 Page 8, line 37, reset in roman "workforce development".
 Page 8, line 37, after "development" delete "," and insert "**and**".
 Page 9, line 14, reset in roman "workforce development".
 Page 9, line 14, delete "." and insert "**and**".
 Page 9, line 29, reset in roman "workforce development".
 Page 9, line 29, delete "." and insert "**and**".
 Page 9, line 32, reset in roman "workforce development".
 Page 9, line 32, after "development" delete "." and insert "**and**".
 Page 10, line 40, reset in roman "workforce development".
 Page 10, line 40, after "development" insert "**and**".
 Page 11, line 23, reset in roman "workforce development".
 Page 11, line 23, delete "." and insert "**and**".
 Page 11, line 27, reset in roman "workforce development".
 Page 11, line 27, delete "." and insert "**and**".
 Page 11, line 33, reset in roman "workforce development".
 Page 11, line 33, after "development" insert "**and**".
 Page 12, line 30, after "of" insert "**the department of**".
 Page 12, line 30, reset in roman "workforce development".
 Page 12, line 30, after "development" delete "the" and insert "**and**".
 Page 12, line 31, delete "department of".

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Page 12, line 33, reset in roman "workforce development,".
 Page 12, line 33, delete "," and insert **"and"**.
 Page 13, line 8, reset in roman "workforce development".
 Page 13, line 8, after "development" insert **"and"**.
 Page 13, line 11, reset in roman "workforce development".
 Page 13, line 11, delete "." and insert **"and"**.
 Page 13, line 16, reset in roman "workforce development".
 Page 13, line 16, after "development" delete "." and insert **"and"**.
 Page 13, line 19, reset in roman "workforce development".
 Page 13, line 19, after "development" insert **"and"**.
 Page 14, line 40, reset in roman "workforce".
 Page 14, line 41, reset in roman "development".
 Page 14, line 41, after "development" insert **"and"**.
 Page 15, line 30, reset in roman "workforce development,".
 Page 15, line 30, delete "," and insert **"and"**.
 Page 16, line 32, reset in roman "workforce development".
 Page 16, line 32, after "development" insert **"and"**.
 Page 17, line 4, reset in roman "workforce development".
 Page 17, line 4, after "development" insert **"and"**.
 Page 17, line 9, reset in roman "workforce development".
 Page 17, line 9, delete "." and insert **"and"**.
 Page 17, line 12, reset in roman "workforce development".
 Page 17, line 12, after "development" insert **"and"**.
 Page 17, line 13, reset in roman "workforce development".
 Page 17, line 13, after "development" insert **"and"**.
 Page 17, line 30, reset in roman "workforce development".
 Page 17, line 30, after "development" delete "." and insert **"and"**.
 Page 17, line 36, reset in roman "workforce development,".
 Page 17, line 36, after "development" delete "," and insert **"and"**.
 Page 18, line 8, reset in roman "workforce development,".
 Page 18, line 8, delete "," and insert **"and"**.
 Page 18, line 15, reset in roman "workforce development".
 Page 18, line 15, after "development" insert **"and"**.
 Page 18, line 24, reset in roman "workforce".
 Page 18, line 25, reset in roman "development,".
 Page 18, line 25, after "development" delete "," and insert **"and"**.
 Page 18, line 40, reset in roman "workforce".
 Page 18, line 41, reset in roman "development".
 Page 18, line 41, after "development" insert **"and"**.
 Page 19, line 29, reset in roman "workforce".
 Page 19, line 30, reset in roman "development".
 Page 19, line 30, after "development" insert **"and"**.

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Page 20, line 5, after "commissioner of" insert **"the department of"**.
 Page 20, line 5, reset in roman "workforce development,".
 Page 20, line 5, delete ", the department of" and insert **"and"**.
 Page 20, line 10, after "of" insert **"the department of"**.
 Page 20, line 10, reset in roman "workforce development,".
 Page 20, line 10, delete ", the" and insert **"and"**.
 Page 20, line 11, delete "department of".
 Page 20, line 14, after "of" insert **"the department of"**.
 Page 20, line 14, reset in roman "workforce development".
 Page 20, line 14, after "development" delete "the" and insert **"and"**.
 Page 20, line 15, delete "department of".
 Page 20, line 29, after "commissioner of" insert **"the department of"**.
 Page 20, line 29, reset in roman "workforce development;".
 Page 20, line 29, delete "; the department of" and insert **"and"**.
 Page 21, line 15, reset in roman "workforce development".
 Page 21, line 15, delete "." and insert **"and"**.
 Page 21, line 21, reset in roman "workforce development".
 Page 21, line 21, after "development" insert **"and"**.
 Page 22, line 8, reset in roman "workforce development".
 Page 22, line 8, after "development" insert **"and"**.
 Page 23, line 6, reset in roman "workforce development,".
 Page 23, line 6, delete "," and insert **"and"**.
 Page 23, line 12, reset in roman "workforce development,".
 Page 23, line 12, after "development" delete "," and insert **"and"**.
 Page 23, line 18, reset in roman "workforce development,".
 Page 23, line 18, after "development" delete "," and insert **"and"**.
 Page 23, line 21, reset in roman "workforce development,".
 Page 23, line 21, delete "," and insert **"and"**.
 Page 23, line 24, reset in roman "workforce".
 Page 23, line 25, reset in roman "development".
 Page 23, line 25, after "development" insert **"and"**.
 Page 23, line 32, reset in roman "workforce development".
 Page 23, line 32, after "development" insert **"and"**.
 Page 23, line 33, reset in roman "workforce development's".
 Page 23, line 33, after "development's" insert **"and"**.
 Page 23, line 37, reset in roman "workforce development".
 Page 23, line 37, after "development" insert **"and"**.
 Page 24, line 3, reset in roman "workforce development,".
 Page 24, line 3, delete "," and insert **"and"**.
 Page 24, line 7, reset in roman "workforce development".
 Page 24, line 7, after "development" delete "." and insert **"and"**.

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Page 25, line 28, reset in roman "workforce development."
 Page 25, line 28, delete "." and insert "**and**".
 Page 25, line 40, reset in roman "workforce development."
 Page 25, line 40, delete "." and insert "**and**".
 Page 26, line 9, reset in roman "workforce development".
 Page 26, line 9, after "development" insert "**and**".
 Page 26, line 31, reset in roman "workforce development".
 Page 26, line 31, after "development" insert "**and**".
 Page 26, line 39, reset in roman "workforce development".
 Page 26, line 39, after "development" insert "**and**".
 Page 27, line 3, reset in roman "workforce development".
 Page 27, line 3, after "development" insert "**and**".
 Page 27, line 17, reset in roman "workforce".
 Page 27, line 18, reset in roman "development".
 Page 27, line 18, after "development" insert "**and**".
 Page 27, line 27, reset in roman "workforce development".
 Page 27, line 27, after "development" insert "**and**".
 Page 27, line 31, reset in roman "workforce development".
 Page 27, line 31, after "development" insert "**and**".
 Page 27, line 38, reset in roman "workforce development".
 Page 27, line 38, after "development" insert "**and**".
 Page 27, line 42, reset in roman "workforce development".
 Page 27, line 42, after "development" insert "**and**".
 Page 28, line 6, reset in roman "workforce development".
 Page 28, line 6, after "development" insert "**and**".
 Page 28, line 16, reset in roman "workforce development;".
 Page 28, line 16, delete ";" and insert "**and**".
 Page 28, line 42, reset in roman "workforce".
 Page 29, line 1, reset in roman "development;".
 Page 29, line 1, after "development" delete ";" and insert "**and**".
 Page 29, line 7, after "of" insert "**the department of**".
 Page 29, line 7, reset in roman "workforce development".
 Page 29, line 7, delete ". the department" and insert "**and**".
 Page 29, line 8, delete "of".
 Page 29, line 11, reset in roman "workforce development".
 Page 29, line 11, delete "." and insert "**and**".
 Page 29, line 19, reset in roman "workforce development".
 Page 29, line 19, after "development" insert "**and**".
 Page 29, line 20, reset in roman "workforce".
 Page 29, line 21, reset in roman "development".
 Page 29, line 21, after "development" insert "**and**".
 Page 30, line 2, reset in roman "workforce development".

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Page 30, line 2, after "development" insert "**and**".

Page 30, line 23, reset in roman "workforce development".

Page 30, line 23, after "development" delete "." and insert "**and**".

Page 31, line 24, reset in roman "workforce development".

Page 31, line 24, after "development" insert "**and**".

Page 31, line 29, reset in roman "workforce development".

Page 31, line 29, after "development" insert "**and**".

Page 33, line 30, reset in roman "workforce development".

Page 33, line 30, delete "." and insert "**and**".

Page 33, line 40, reset in roman "workforce development".

Page 33, line 40, after "development" insert "**and**".

Page 34, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 46. IC 22-4-17-2, AS AMENDED BY P.L.108-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly make a determination of the individual's status as an insured worker in a form prescribed by the department. A written notice of the determination of insured status shall be furnished to the individual promptly. Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so, the week ending date of the first week of the individual's benefit period, the individual's weekly benefit amount, and the maximum amount of benefits that may be paid to the individual for weeks of unemployment in the individual's benefit period. For the individual who is not insured, the notice shall include the reason for the determination. Unless the individual, within ten (10) days after such determination was mailed to the individual's last known address, or otherwise delivered to the individual, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(b) The department shall promptly furnish each employer in the base period whose experience or reimbursable account is potentially chargeable with benefits to be paid to such individual with **a actual** notice in writing of the employer's benefit liability. ~~Such~~ **The** notice shall contain the date, the name and Social Security account number of the individual, the ending date of the individual's base period, ~~and~~ the week ending date of the first week of the individual's benefit period, ~~Such~~ **the time by which the employer is required to respond to the notice, and complete information about the rules of evidence and**

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standards of proof that the department will apply to determine the validity of a claim, if an employer disputes the claim. The notice shall further contain information as to the proportion of benefits chargeable to the employer's experience or reimbursable account in ratio to the earnings of such individual from such employer. Unless the employer, within ten (10) days after ~~such the employer receives actual~~ notice of benefit liability, ~~was mailed to the employer's last known address, or otherwise delivered to the employer,~~ asks a hearing thereon before an administrative law judge, such determination shall be final and benefits paid shall be charged in accordance therewith.

(c) An employing unit, including an employer, having knowledge of any facts which may affect an individual's eligibility or right to waiting period credits or benefits, shall notify the department of such facts within ten (10) days after the ~~mailing of~~ **employing unit receives actual** notice that a former employee has filed an initial or additional claim for benefits on a form prescribed by the department.

(d) In addition to the foregoing determination of insured status by the department, the deputy shall, throughout the benefit period, determine the claimant's eligibility with respect to each week for which the claimant claims waiting period credit or benefit rights, the validity of the claimant's claim therefor, and the cause for which the claimant left the claimant's work, or may refer such claim to an administrative law judge who shall make the initial determination with respect thereto in accordance with the procedure in IC 22-4-17-3. **Before a determination is made under this subsection, each employer in the base period whose experience or reimbursable account is potentially chargeable with benefits to be paid to the claimant must receive actual notice of the employer's potential benefit liability, the time by which the employer is required to respond to the notice, and complete information about the rules of evidence and standards of proof that the deputy will apply to determine the validity of the claim.**

(e) In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised as to the validity of such claim, the eligibility of the claimant for waiting period credit or benefits, or the imposition of a disqualification period or penalty, or the denial thereof, and of the cause for which the claimant left the claimant's work, of such determination and the reasons thereof.

(f) Except as otherwise hereinafter provided in this ~~subsection~~ **section** regarding parties located in Alaska, Hawaii, and Puerto Rico,

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unless:

- (1) the claimant, ~~or such employer, within not later than~~ ten (10) days after ~~such the~~ notification **required by subsection (e)** was mailed to the claimant's ~~or the employer's~~ last known address;
- (2) **the employer, not later than ten (10) days after the employer actually receives the notification required by subsection (e);** or
- (3) **the claimant or the employer, not later than ten (10) days after the notification required by subsection (e)** is otherwise **actually** delivered to the claimant or the employer;

asks ~~for~~ a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith.

(g) With respect to notice of disputed administrative determination or decision mailed or otherwise delivered to the claimant or employer either of whom is located in Alaska, Hawaii, or Puerto Rico, unless: ~~such~~

- (1) ~~the claimant, or employer, within not later than~~ fifteen (15) days after ~~such the~~ notification **required by subsection (e)** was mailed to the claimant's ~~or employer's~~ last known address;
- (2) **the employer, not later than fifteen (15) days after the employer actually receives the notification required by subsection (e);** or
- (3) **the claimant or the employer, not later than fifteen (15) days after the notification required by subsection (e)** is otherwise **actually** delivered to the claimant or employer;

asks ~~for~~ a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith.

(h) If ~~such a claimant or employer desires a hearing is desired;~~ **under subsection (f) or (g),** the request therefor shall be filed with the department in writing within the prescribed periods as above set forth in this ~~subsection~~ **section** and shall be in such form as the department may prescribe. In the event a hearing is requested by an employer or the department after it has been administratively determined that benefits should be allowed to a claimant, entitled benefits shall continue to be paid to said claimant unless said administrative determination has been reversed by a due process hearing. Benefits with respect to any week not in dispute shall be paid promptly regardless of any appeal.

(~~f~~) (i) A person may not participate on behalf of the department in any case in which the person is an interested party.

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~~(g)~~ **(j)** Solely on the ground of obvious administrative error appearing on the face of an original determination, and within the benefit year of the affected claims, the commissioner, or a representative authorized by the commissioner to act in the commissioner's behalf, may reconsider and direct the deputy to revise the original determination so as to correct the obvious error appearing therein. Time for filing an appeal and requesting a hearing before an administrative law judge regarding the determinations handed down pursuant to this subsection shall begin on the date following the date of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

~~(h)~~ **(k)** Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

~~(i)~~ **(l)** If an allegation of the applicability of IC 22-4-15-1(c)(8) is made by the individual at the time of the claim for benefits, the department shall not notify the employer of the claimant's current address or physical location.

SECTION 47. IC 22-4-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a)** Unless such request for hearing is withdrawn, an administrative law judge, after **providing the notice required under section 6 of this chapter and** affording the parties a reasonable opportunity for fair hearing, shall affirm, modify, or reverse the findings of fact and decision of the deputy.

(b) The parties shall be duly notified of ~~such~~ **the decision made under subsection (a)** and the reasons therefor, which shall be deemed to be the final decision of the review board, unless, **subject to subsection (c)**, within fifteen (15) days after the date of notification or mailing of such decision, an appeal is taken by the commissioner or by any party adversely affected by such decision to the review board.

(c) Notwithstanding subsection (b), whenever an employer is a party adversely affected by a decision made under subsection (a), the employer has fifteen (15) days after the date the employer receives actual notice of the decision to take an appeal to the review board.

SECTION 48. IC 22-4-17-4, AS AMENDED BY P.L.108-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **(a)** The department shall employ one (1) or more administrative law judges to hear and decide disputed claims.



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Administrative law judges employed under this section are not subject to IC 4-21.5 or any other statute regulating administrative law judges, unless specifically provided.

(b) The department shall at least annually provide to all administrative law judges, review board members, and other individuals who adjudicate claims training concerning:

- (1) unemployment compensation law;**
- (2) rules for the conduct of hearings and appeals; and**
- (3) rules of conduct for administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process.**

(c) The department regularly shall monitor the hearings and decisions of its administrative law judges, review board members, and other individuals who adjudicate claims to ensure that the hearings and decisions strictly comply with the law and the rules described in subsection (b).

(d) An individual who does not strictly comply with the law and the rules described in subsection (b), including the rules of conduct for administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process, is subject to disciplinary action by the department, up to and including suspension from or termination of employment.

SECTION 49. IC 22-4-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The governor shall appoint a review board composed of three (3) members, not more than two (2) of whom shall be members of the same political party, with salaries to be fixed by the governor. The review board shall consist of the chairman and the two (2) members who shall serve for terms of three (3) years. At least one (1) member must be admitted to the practice of law in Indiana.

(b) Any claim pending before an administrative law judge, and all proceedings therein, may be transferred to and determined by the review board upon its own motion, at any time before the administrative law judge announces his decision. Any claim pending before either an administrative law judge or the review board may be transferred to the board for determination at the direction of the board. If the review board considers it advisable to procure additional evidence, it may direct the taking of additional evidence within a time period it shall fix. **An employer that is a party to a claim transferred to the review board or the board under this subsection is entitled to receive notice in accordance with section 6 of this chapter of the**

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transfer or any other action to be taken under this section before the determination or other action concerning the claim is taken.

(c) Any proceeding so removed to the review board shall be heard by a quorum of the review board in accordance with the requirements of section 3 of this chapter. The review board shall notify the parties to any claim of its decision, together with its reasons for the decision.

(d) Members of the review board, when acting as administrative law judges, are subject to section 15 of this chapter.

(e) The review board may on the board's own motion affirm, modify, set aside, remand, or reverse the findings, conclusions, or orders of an administrative law judge on the basis of any of the following:

- (1) Evidence previously submitted to the administrative law judge.
- (2) The record of the proceeding after the taking of additional evidence as directed by the review board.
- (3) A procedural error by the administrative law judge.

SECTION 50. IC 22-4-17-6, AS AMENDED BY P.L.108-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. **(a)** The manner in which disputed claims shall be presented and the conduct of hearings and appeals, **including the conduct of administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process,** shall be in accordance with rules adopted by the department for determining the rights of the parties, whether or not the rules conform to common law or statutory rules of evidence and other technical rules of procedure.

(b) A full and complete record shall be kept of all proceedings in connection with a disputed claim. The testimony at any hearing upon a disputed claim need not be transcribed unless the disputed claim is further appealed.

(c) Each party to a hearing before an administrative law judge held under section 3 of this chapter shall be mailed a notice of the hearing at least ten (10) days before the date of the hearing specifying the **date, place, and time of the hearing, and identifying the issues to be decided, and providing complete information about the rules of evidence and standards of proof that the administrative law judge will use to determine the validity of the claim. An employer must receive actual notice of a hearing before the hearing may be held.**

(d) If a hearing so scheduled has not commenced within at least sixty (60) minutes of the time for which it was scheduled, then a party involved in the hearing may request a continuance of the hearing. Upon submission of a request for continuance of a hearing under

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circumstances provided in this section, **including an employer's failure to receive actual notice of a hearing as required under subsection (c)**, the continuance shall be granted unless the party requesting the continuance was responsible for the delay in the commencement of the hearing as originally scheduled. In the latter instance, the continuance shall be discretionary with the administrative law judge. Testimony or other evidence introduced by a party at a hearing before an administrative law judge or the review board that another party to the hearing:

- (1) is not prepared to meet; and
- (2) by ordinary prudence could not be expected to have anticipated;

shall be good cause for continuance of the hearing and upon motion such continuance shall be granted.

SECTION 51. IC 22-4-17-14, AS AMENDED BY P.L.108-2006, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. **(a) This section does not apply to a notice given to an employer if the employer is required under this chapter to receive actual notice.**

~~(a)~~ **(b)** Except as otherwise provided by this chapter, this section applies to notices given under sections 2, 3, 11, and 12 of this chapter. This section does not apply to rules adopted by the board or the department, unless specifically provided.

~~(b)~~ **(c)** As used in this section, "notices" includes mailings of notices, determinations, decisions, orders, motions, or the filing of any document with the appellate division or review board.

~~(c)~~ **(d)** If a notice is served through the United States mail, three (3) days must be added to a period that commences upon service of that notice.

~~(d)~~ **(e)** The filing of a document with the appellate division or review board is complete on the earliest of the following dates that apply to the filing:

- (1) The date on which the document is delivered to the appellate division or review board.
- (2) The date of the postmark on the envelope containing the document if the document is mailed to the appellate division or review board by the United States Postal Service.
- (3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the appellate division or review board by a private carrier."

Page 34, line 6, reset in roman "workforce development."

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Page 34, line 6, after "development" delete "." and insert "**and**".
 Page 34, line 7, reset in roman "workforce development".
 Page 34, line 7, after "development" insert "**and**".
 Page 35, line 8, reset in roman "workforce development".
 Page 35, line 8, after "development" insert "**and**".
 Page 35, line 12, reset in roman "workforce development".
 Page 35, line 12, after "development" insert "**and**".
 Page 35, line 15, reset in roman "workforce development".
 Page 35, line 15, after "development" insert "**and**".
 Page 35, line 22, reset in roman "workforce development".
 Page 35, line 22, after "development" insert "**and**".
 Page 35, line 34, reset in roman "workforce development".
 Page 35, line 34, after "development" insert "**and**".
 Page 36, line 21, reset in roman "workforce development".
 Page 36, line 21, after "development" insert "**and**".
 Page 37, line 10, reset in roman "workforce".
 Page 37, line 11, reset in roman "development".
 Page 37, line 11, after "development" insert "**and**".
 Page 37, line 38, reset in roman "workforce development,".
 Page 37, line 38, after "development" delete "," and insert "**and**".
 Page 38, line 7, reset in roman "workforce development".
 Page 38, line 7, after "development" insert "**and**".
 Page 39, line 31, reset in roman "workforce".
 Page 39, line 32, reset in roman "development."
 Page 39, line 32, after "development" delete "." and insert "**and**".
 Page 40, line 2, reset in roman "workforce development".
 Page 40, line 2, delete "." and insert "**and**".
 Page 40, line 6, reset in roman "workforce development".
 Page 40, line 6, after "development" delete "." and insert "**and**".
 Page 40, line 8, reset in roman "workforce development".
 Page 40, line 8, after "development" insert "**and**".
 Page 41, line 4, reset in roman "workforce development".
 Page 41, line 4, after "development" insert "**and**".
 Page 41, line 8, reset in roman "workforce development".
 Page 41, line 8, after "development" insert "**and**".
 Page 41, line 12, reset in roman "workforce development".
 Page 41, line 12, after "development" insert "**and**".
 Page 41, line 22, after "of" insert "**workforce development and**".
 Page 41, line 26, reset in roman "workforce development".
 Page 41, line 26, after "development" insert "**and**".
 Page 41, line 42, reset in roman "workforce development".
 Page 41, line 42, after "development" insert "**and**".

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Page 42, line 4, reset in roman "workforce development,".
 Page 42, line 4, after "development" delete "," and insert "**and**".
 Page 42, line 5, reset in roman "workforce".
 Page 42, line 6, reset in roman "development".
 Page 42, line 6, after "development" insert "**and**".
 Page 42, line 19, reset in roman "workforce development".
 Page 42, line 19, after "development" insert "**and**".
 Page 42, line 39, reset in roman "workforce".
 Page 42, line 40, reset in roman "development".
 Page 42, line 40, after "development" delete "." and insert "**and**".
 Page 42, line 41, reset in roman "workforce development".
 Page 42, line 41, after "development" insert "**and**".
 Page 43, line 4, reset in roman "workforce development".
 Page 43, line 4, after "development" insert "**and**".
 Page 43, line 32, reset in roman "workforce development".
 Page 43, line 32, after "development" insert "**and**".
 Page 45, line 7, reset in roman "workforce development".
 Page 45, line 7, after "development" insert "**and**".
 Page 45, line 24, reset in roman "workforce development".
 Page 45, line 24, after "development" insert "**and**".
 Page 45, line 38, reset in roman "workforce development".
 Page 45, line 38, after "development" insert "**and**".
 Page 45, line 40, after "department of" insert "**workforce development and**".
 Page 46, line 19, reset in roman "workforce development".
 Page 46, line 19, delete "." and insert "**and**".
 Page 47, line 9, reset in roman "workforce development".
 Page 47, line 9, after "development" delete "." and insert "**and**".
 Page 47, line 13, reset in roman "workforce".
 Page 47, line 14, reset in roman "development".
 Page 47, line 14, after "development" delete "." and insert "**and**".
 Page 47, line 16, after "of" insert "**workforce development and**".
 Page 47, line 19, after "of" insert "**workforce development and**".
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 84 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 11, Nays 0.

SB 84—LS 6308/DI 44+



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